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ABSTRACT

Presented in the second of two volumes are support packages designed to assist Oregon school districts in complying with P.L. 94-142 (Education for All Handicapped Children Act) in developing special education programs. The volume is divided into six sections: preliminary steps, screening, referral, multi-disciplinary assessment, individualized education program (IEP) development/placement, and IEP and placement review. Each of the six sections include a brief introduction describing content and a rationale for procedures. Four types of support packages are provided: Forms (the same forms found in Volume I but in some instances with directions for their completion); Concept Papers (which include discussions of certain issues raised in the procedures or in the law and rationales for recommended and required activities); Suggested Procedures (which provide further discussion of how a step might be implemented); and Informational Descriptions (examples of procedures or techniques which might be used in implementing the steps). A glossary of terms is also provided. It is suggested that the user become familiar with Volume I before using Volume II. (SBH)

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Recommended Procedures for the Administration of Special Education Programs in Oregon: Screening, Referral, Multi-Disciplinary Assessment, IEP Development, Placement and Re-Evaluation

Volume II: Support Packages

September, 1977

Special Education and Special Schools Division
Oregon Department of Education
942 Lancaster Drive NE
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Verne A. Duncan, State Superintendent
of Public Instruction

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FOREWARD

With the advent of the new Public Law 94-142, we have gained the wherewithal and legal support to ensure that every handicapped child receives an appropriate educational program through the public schools. This marks a major development in the history of public education.

These recommended guidelines have undergone extensive review and input prior to publishing. They have been field tested in several districts and proven effective as means to implement the new public law in school districts.

We especially appreciate the help of the Northwest Regional Resource Center, University of Oregon. They have given the Department their ongoing support and cooperation in the development of these guidelines.

These materials and guidelines represent an analysis of the most current information available prior to printing. The writers of these two volumes emphasize, however, that new developments and interpretations of state and federal laws may occur. The materials will be revised in light of such changes.

In the meantime, we welcome your comments and questions. For further information, contact our staff in Special Education and Special Schools, 378-3598.

Verne A. Duncan
State Superintendent
of Public Instruction

Recommended Procedures for the Administration
of Special Education Programs in Oregon:
Screening, Referral, Multi-Disciplinary Assessment,
IEP Development, Placement and Re-Evaluation:
Volume II: Support Packages

TABLE OF CONTENTS

	Page
INTRODUCTION	6
USER'S GUIDE	9
PRELIMINARY STEPS	
Introduction	11
SP-1 The Purpose of Screening	12
SP-2 Procedures for Establishing Referral Options Available to the District	14
SP-3 1. Considerations and Procedures for Developing Placement Options	17
2. Guidelines for Developing Physical Education Services	22
SP-4 Discussion of Least Restrictive Environment	27
SP-5 Confidentiality of Handicapped Children's Records OAR 581-11-055	32
Confidentiality Procedures (EHA-B: 613 (b) (1) (B)	33
SP-6 Student Records	43
SP-7 Minimum Due Process Procedure and Hearing (OAR 581-15-025)	44
SCREENING (INFORMAL DOCUMENTATION)	
Introduction	50
SP-8 Screening/Record Review Forms	51
Directions	52
Form 1 (Elementary)	53
Form 2 (Secondary)	55
SP-9 Physical Education Screening	57
Form 2: Physical Education Medical Referral	59
SP-10 Training in the Use of Screening Instrument and Procedures	61
SP-11 Purpose of Parent Interview	64
Procedures for Parent Interview	64
Form 3: Initial Parent Interview Form	65
SP-12 Guidelines for Selecting Children for Referral	66
SP-13 Options for Programming Without Referral	69
SP-14 Referral Decisions	71
Sample Communication to Parents (Form 4)	73

Page

REFERRAL

Introduction..... 74
SP-15 Agency/Community Referral to School District (Form 5).. 75
SP-16 Referral for Services (Form 6)..... 77

MULTI-DISCIPLINARY ASSESSMENT

Introduction..... 79
SP-17 Special Considerations for Diagnostic Testing..... 80
SP-18 1. Preschool Test Matrix..... 88
2. General Test Matrix..... 93
3. Physical Education Assessment Considerations and Taxonomy of the Psychomotor Domain..... 95
SP-19 When to Refer to Other Agencies.....101
Referral to Community Agency (Form 7).....103
SP-20 Discussion Paper: Qualified Psychological Examiner....104
Assessment Assignment Form (Form 8).....106
SP-21 Parent Approval for Diagnostic Testing (Form 9).....107
SP-22 Authorization for Exchange of Confidential Information (Form 10).....109
SP-23 Results of Individual Assessments (Form 11).....111
SP-24 Oregon Eligibility Criteria.....114
Senate Bill 38, 1977 Legislature.....115
Form 12: Eligibility Report Form.....124

INDIVIDUAL EDUCATION PROGRAM DEVELOPMENT/PLACEMENT

Introduction.....125
SP-25 Participants at IEP Meeting.....126
SP-26 Parent Notification of IEP Meeting (Form 13).....129
SP-27 Individual Education Program (IEP) Documents (Form 14).132
SP-28 Sample Communication to Parent Regarding IEP Meeting Results (Form 15).....159
SP-29 Confirmation of IEP Strategies.....161

IEP AND PLACEMENT REVIEW

SP-30 Annual Evaluation of the Individual Education Program..164
Parent Notification of IEP Review (Form 16).....167
SP-31 Monitoring Progress of Student Released from Special Education.....168

GLOSSARY OF TERMS.....170

INTRODUCTION

The recommended procedures and support materials included in these volumes have been prepared to assist Oregon school districts in complying with the Special Education programming requirements of United States Public Law 94-142 and the various Oregon statutes and rules. The procedures reflect final Federal Regulations as printed in the Federal Register, August 23, 1977.

Early development of the procedures was initiated during 1975-76 in cooperation with Wasco County IED and local school districts. A draft version of this material was used in five Oregon school districts during the spring of 1977. As a result of that field test, the draft procedures and materials have been revised and streamlined. We would like to acknowledge the cooperation and support of those five districts:

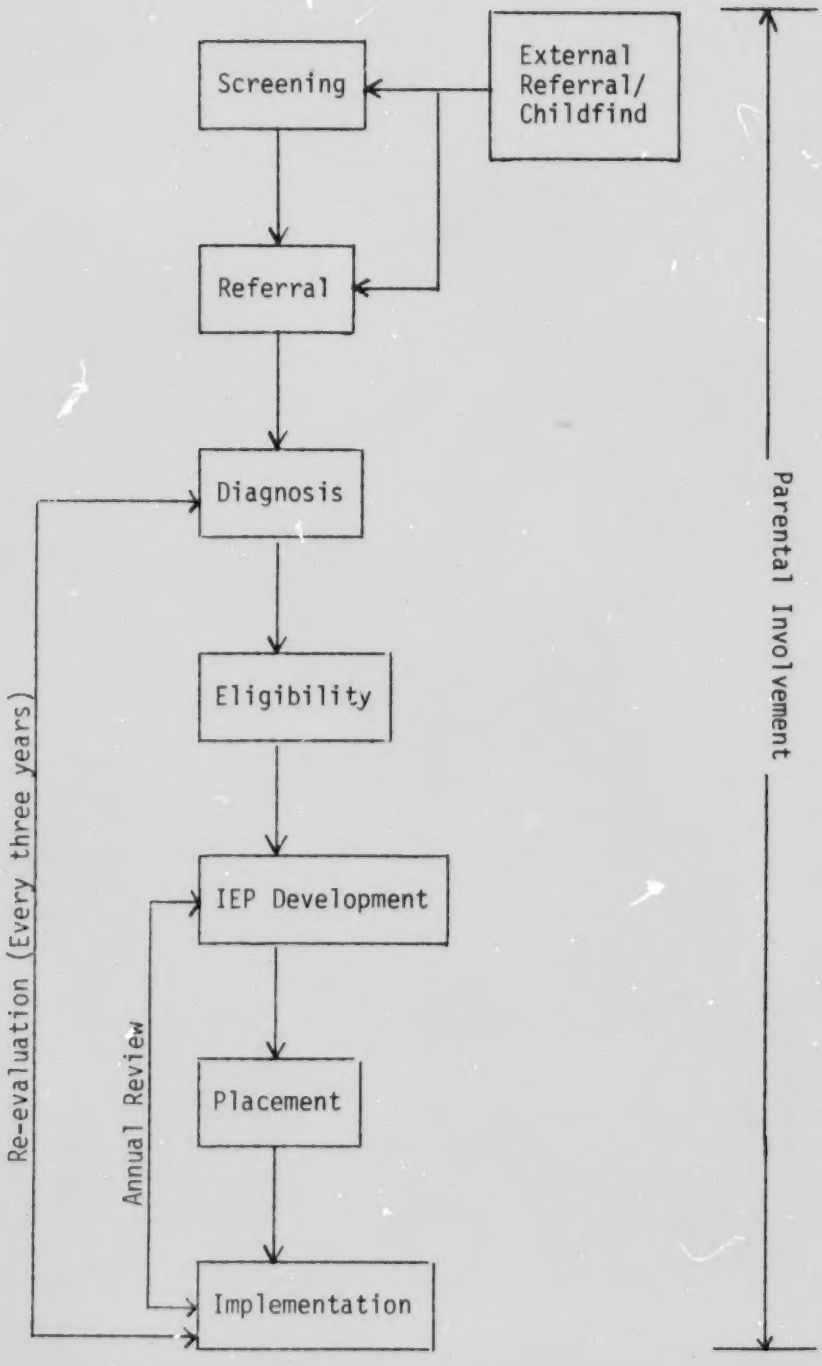
Columbia School District 5J (Westport)
Dallas School District #2
Eugene School District 4J
North Bend School District #13
Portland School District 1J

It is important to note that this or any other set of procedures cannot be implemented in a school district without adapting them to the local environment and conditions. Those steps in Volume I which are required by law have been shaded. The other steps represent process and best practice. These suggested and required steps may be useful to districts in documenting their procedures in order to receive funds through 94-142 or the state handicapped program.

These materials have been developed based on the activity flow represented by Figure 1 which results in an individualized education program (IEP) for each handicapped child. The sequence represented in Figure 1 is required. Eligibility must be determined and an IEP developed before a child is placed in the appropriate program. It is hoped that by following a set of procedures, a district will be able to go beyond mere "paper" compliance with regulations and provide quality programs for children.

These materials are based on the assumption that the IEP requirement of 94-142 is best represented as a process (See Figure 1) which yields appropriate programs for handicapped children and youth. In order to provide appropriate programs for all children in a least restrictive setting, programs must be developed based on their educational needs and not the eligibility criteria they meet. This suggests that children and youth eligible under different programs (EMR, LD, orthopedically handicapped, etc.) can be given services within the same or similar settings and, to the extent appropriate, in regular classrooms.

FIGURE 1


Screening
External Referral/ Childfind
Referral
Diagnosis
Eligibility
IEP Development
Placement
Implementation
Re-evaluation (Every three years)
Annual Review
Parental Involvement

It should also be noted that all procedures/steps are applicable to children identified as trainable mentally retarded (TMR). A suggested IEP form for TMR students is included in SP-27, Form 14C.

We would like to acknowledge the support of Mason McQuiston, Oregon State Director of Special Education and the assistance of Alan Reeder, Northwest Regional Resource Center, and Jerry Harris, University of Oregon. Dick Genardi, Northwest Regional Resource Center, was heavily involved during the initial year of developing the procedures. Forest Hertlein, Northwest Regional Resource Center, has been instrumental in ensuring the completion of this revision.

A special note of appreciation is extended to Kathy Black, Susan Brewster, and Lynne Greenleaf, Northwest Regional Resource Center, and Barbara Rosner, Manpower, Inc., for typing the completed documents.

Ray Rothstrom, Oregon State Department of Education

David Piercy, Northwest Regional Resource Center

USER'S GUIDE

The recommended procedures and support materials are intended to assist Oregon school districts in their development of special education policy and procedures. The sequence of the activities in Figure 1 is required. Within the specific sections there is more flexibility for district implementation.

The materials are divided into two volumes:

Volume I: Procedures and Forms
Volume II: Support Packages

Each volume is divided into six sections:

1. Preliminary Steps
2. Screening
3. Referral
4. Multi-Disciplinary Assessment
5. Individualized Education Program Development/Placement
6. IEP and Placement Review

Volume I has an additional section which includes Suggested Forms.

A Glossary of Terms can be found at the end of both Volumes I and II.

HOW TO USE VOLUME II: SUPPORT PACKAGES

Volume I refers the users to all Support Packages (SPs) included in Volume II. The introductory comments to each of the six sections in Volume I are repeated in Volume II.

There are four types of support packages found in Volume II:

1. Forms: These are the same forms that are found in Volume I, but in some instances contain directions for their completion.

2. Concept Papers: These include discussions of certain issues raised in the procedures or in the law (e.g., Least Restrictive Environment), and rationales for recommended and required activities. (e.g., Special Considerations for Diagnostic Procedures).

3. Suggested Procedures: These provide further discussion of how a step might be implemented (e.g., Training in Use of Screening Instrument and Procedures).

4. Informational Descriptions: These are examples of procedures or techniques which might be used (e.g., Pre-School Test Matrix) in implementing the steps.

It is suggested that the user become familiar with the content of Volume I before using Volume II. Volume II is a supplement to Volume I and does not indicate how the total process operates; thus, by referring to it initially, the process might become distorted and confusing to the user.

PRELIMINARY STEPS

INTRODUCTION

Within the Preliminary Steps are procedures that will assist districts to prepare for implementation of Screening, Referral, Diagnosis, IEP Placement, and IEP Review. Examination and analysis of the Preliminary Steps will, therefore, provide personnel with information necessary for decision making throughout the administration procedures for Special Education programs.

It should be noted that Preliminary Steps are cooperative planning efforts between regular and special education personnel. In most instances, the local superintendent should designate the appropriate personnel to develop and implement district procedures and school board policies.

In addition to the procedural steps within this section, the following support packages (SP) should be reviewed:

SP-1 The Purpose of Screening
SP-2 Procedures for Establishing Referral Options Available to the District
SP-3 Considerations and Procedures for Developing Placement Options; Guidelines for Developing Physical Education Services
SP-4 Discussion of Least Restrictive Environment
SP-5 Confidentiality of Handicapped Children's Records
SP-6 Student Records
SP-7 Minimum Due Process Procedure and Hearing

SP-1

THE PURPOSE OF SCREENING

THE PURPOSE OF SCREENING

Screening as defined in this set of procedures is intended to assist the school and/or district in deciding whether a child should be referred for diagnostic testing and possible special programming. By following formalized screening procedures the school will more often make appropriate decisions about which children need referral.

In establishing screening procedures, a school or school district should determine whether it is desirable to periodically screen all classrooms and/or grade levels, particular grade levels or whether screening should occur only as teachers begin to observe problems with children.

In most cases a school will screen only those children who observed by the teacher (or other staff) to have potential problems. In certain instances, such as conducting a needs assessment or beginning a special education program, it will be desirable to screen certain grades to insure that all children with potential problems are identified. The teacher, however, should be able to screen a child at any time for possible referral.

For screening, complete Steps 8 through 18.

A screening checklist is included (Form 1, page 53) and has proven to be very accurate and helpful if used in conjunction with the record review. Other valid screening procedures exist which provide detailed academic, behavioral and physical information. These are typically much more time consuming, but may be used in place of the suggested screening device.

NOTE OF CAUTION: The child is not necessarily eligible for special education services if identified here.

SP-2

PROCEDURES FOR ESTABLISHING REFERRAL OPTIONS
AVAILABLE TO THE DISTRICT

Procedures for Establishing Referral Options Available to the District

1. Develop a list of service resources available to the service area (e.g., public facilities, service clubs, private physicians, clinics).

2. Determine what data to collect and maintain on each agency. Data may include:

   2.1 goals, philosophy, and objectives
   2.2 legal responsibilities
   2.3 referral system
   2.4 kinds of services
   2.5 fees and financial arrangements
   2.6 promptness of services
   2.7 times services are provided
   2.8 length of time service takes
   2.9 location
   2.10 staff and their training
   2.11 ages served

3. Develop appropriate mechanisms for the storage and retrieval of service resource information (e.g., card files, catalogs, etc.)

4. Develop procedures for updating changing service resource information.

NOTE: Contact Service Coordinator at local mental health clinic for possible listing of services and resources for the developmentally disabled.

SP-3

1. CONSIDERATIONS AND PROCEDURES FOR DEVELOPING PLACEMENT OPTIONS

2. GUIDELINES FOR DEVELOPING PHYSICAL EDUCATION SERVICES

CONSIDERATIONS AND PROCEDURES FOR DEVELOPING PLACEMENT OPTIONS

1. Federal Regulations (Federal Register, August 23, 1977)

Two sections of P.L. 94-142 are presented below below. (Ed. note: the language in the law has been paraphrased somewhat. Full text of the law is available from the Department of Education.)

121a.551 Continuum of alternative placements.

(a) Each state and local educational agency shall insure that a continuum of alternative placements are available to meet the needs of handicapped children for special education and related services.

(b) The continuum required under paragraph (a) of this section must:

(1) Include the alternative placements listed in the definition of special education under 121a.13 of Subpart A (instruction in regular classes, and instruction in hospitals and institutions), and

(2) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

121a.552 Placements

Each state and local educational agency shall insure that:

(a) Each handicapped child's educational placement:

(1) Is determined at least annually,

(2) Is based on his or her individualized education program, and

(3) Is as close as possible to the child's home;

(b) To the extend necessary to implement an individualized education program for each handicapped child, the applicable agency must provide or arrange for the provision of all of the various alternative placements included under S121a.551 of this subpart.

(c) Unless a handicapped child's individualized education program requires some other arrangement the child is educated in the school which he or she would attend if not handicapped; and

(d) In selecting the least restrictive environment, consideration is given to any potential harmful effect on the child or on the quality of services which he or she needs.

2. State Requirements

Oregon Administrative Rule 581-15-035 requires, in part:*

1) District "special education instructional programs shall range along a broad continuum and shall focus attention on meeting the individual needs of all resident handicapped children"

2) "Special education shall be established and conducted as an integral part of the district's regular school program".

3) "School districts shall be responsible for insuring that children who require special education enjoy the same rights and privileges provided to other children."

4) The approved program plan shall include (among other things):

"(B) Specified criteria for establishing a child's eligibility to receive special education,

"(D) Procedures for review and modifying a handicapped child's special education program,

"(E) Procedures for placing, transferring, denying placement and terminating special education services for handicapped children."

(*Full text available from the Department of Education.)

3. Least Restrictive Placements (See SP-4, Discussion of Least Restrictive Environments)

1) P.L. 94-142 requires that "to the maximum extent appropriate, handicapped children...are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when the nature on severity of the handicapped is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily".

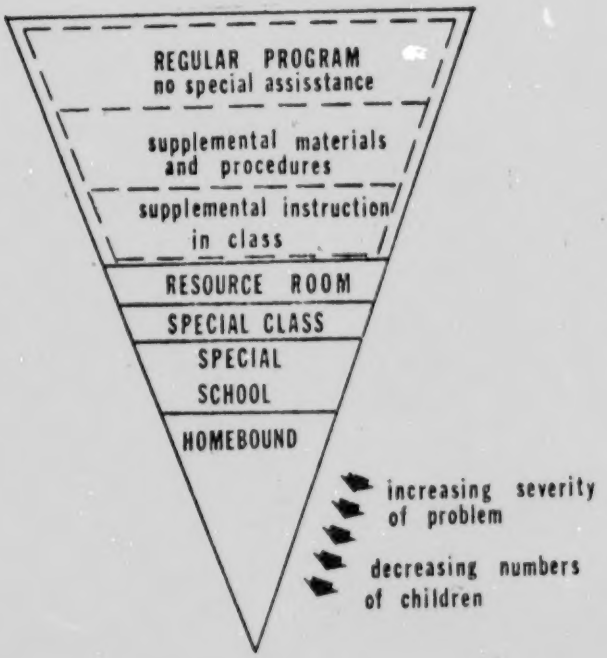
2) Oregon Administrative Rule 581-15-035 requires that districts provide programs "along a broad continuum" which "shall be established and conducted as an integral part of the district's regular school program".

3) Both federal and state regulation would indicate that districts should consider how its placement options provide for the education of handicapped in least restrictive environments.

4. Cascade of Services (See SP-24)

1) The continuum of services required at both federal and state levels has been shown as a cascade of services (see below). While degree of closeness to a regular classroom cannot be considered the sole criteria of either a least restrictive or appropriate placement, the cascade of service does respresent a continuum, the use of which can be considered by a school district.

Example of a special education cascade of services model (after Reynolds, 1962; Deno, 1970).



5. Purpose of Placement

1) The purpose of placement is to make programmatic decisions about the child on the basis of pre-established long term and short term objectives. It is important to emphasize that the objectives are set prior to placement.

2) Placement should be made on the basis of service needs. Service, not children, should be categorized. Placement decisions should not be made on the attributes of the child (labels) from which is presumed a need for similar services but rather directly on the educational (or treatment) needs of the child being tied directly to objectives for child change (Zeller, 1976).

6. Local factors

In designing services a district must take a number of local factors into consideration:

1. Number of identified handicapped children and number of estimated handicapped children
2. Service needs of the handicapped children in the district
3. Services already available within the district
4. Services available within the area
5. Services available within the state
6. Personnel
7. Finances
8. Facilities
9. Geographic configurations

7. Summary

The local school district must insure that a continuum of placement options be available for its handicapped children and that as it develops options, major considerations must be that children be placed based on service needs, in as normal an environment as possible, and as close to their normal school as possible. In developing these options, the district must take into account its own local situation.

A district may be unable to provide all services because of low incidence or other factors and may be required to provide consolidated services with other districts or contract with an intermediate education district (IED).

It is, however, the districts's responsibility to provide service to all its handicapped children.

8. Procedural outline for developing placement options

1) Assemble and review available data

- child profile
- legal
- organizational
- staff capability

2) Consult state, IED and district plans to determine program responsibility.

3) Establish state, federal and local requirements.

4) Establish a task force of all possible agencies (may be internal or external agencies) to determine program responsibility and flow.

5) Determine what services exist.

6) Develop a needs assessment to determine gaps.

7) Summarize data to indicate needed services.

8) Determine which services can be provided by the district and which might be contracted or provided on a consolidated basis.

9) Get administrative approval to proceed with planning.

10) Develop services and/or negotiate with other agencies.

11) Ask board for plan approval.

GUIDELINES FOR DEVELOPING PHYSICAL EDUCATION SERVICES*

Rationale

Physical education is defined by Federal law as a special education service. It is, therefore, mandatory that a continuum of service alternatives be available to permit placement of students in the most normal setting feasible. Students should be placed as individuals, not as members of categories. Services should be individualized and not just dichotomized into regular versus special classes. Individualized does not mean only one-to-one relationships or small group settings, or preclude class or team activities, methods, procedures, and techniques according to needs, abilities, and limitations of each program participant.

Organization

A variety of philosophies, organizational patterns, and administrative structures have influenced and been used successfully for adapted physical education programs at different levels and in various situations. Some programs have been organized and functioned for one type of impairment or disability. Many very successful programs have cut across impairments and disabilities and served two or more different conditions. Still other programs have integrated special populations with able-bodied participants; others have able-bodied participants as a minority with special groups as the majority. An approach that has been successful in a number of places provides flexibility in placement. Of key importance to success in this approach is the ability of each individual to participate safely, successfully, and with personal satisfaction in the current activity.

Figure 1 outlines one possible listing of options for physical education services. Teachers, administrators, and supervisors responsible for organizing and administering adapted physical education programs need to assess advantages and disadvantages of various organizational patterns and select approaches most appropriate for their own situations. While it is difficult to generalize numbers which can be handled in any given situation, generally 12 to 15 students represent a realistic enrollment in a special or segregated class. In almost any instance, 20 students should be the maximum permitted in these classes and then only with sufficient facilities, equipment, and teacher assistance.

Another rule of thumb for self-contained classes of a single condition is the maximum number permitted by state law for that condition. Integrated, partially integrated, or resource situations function more effectively with a smaller number of special students in the regular class.

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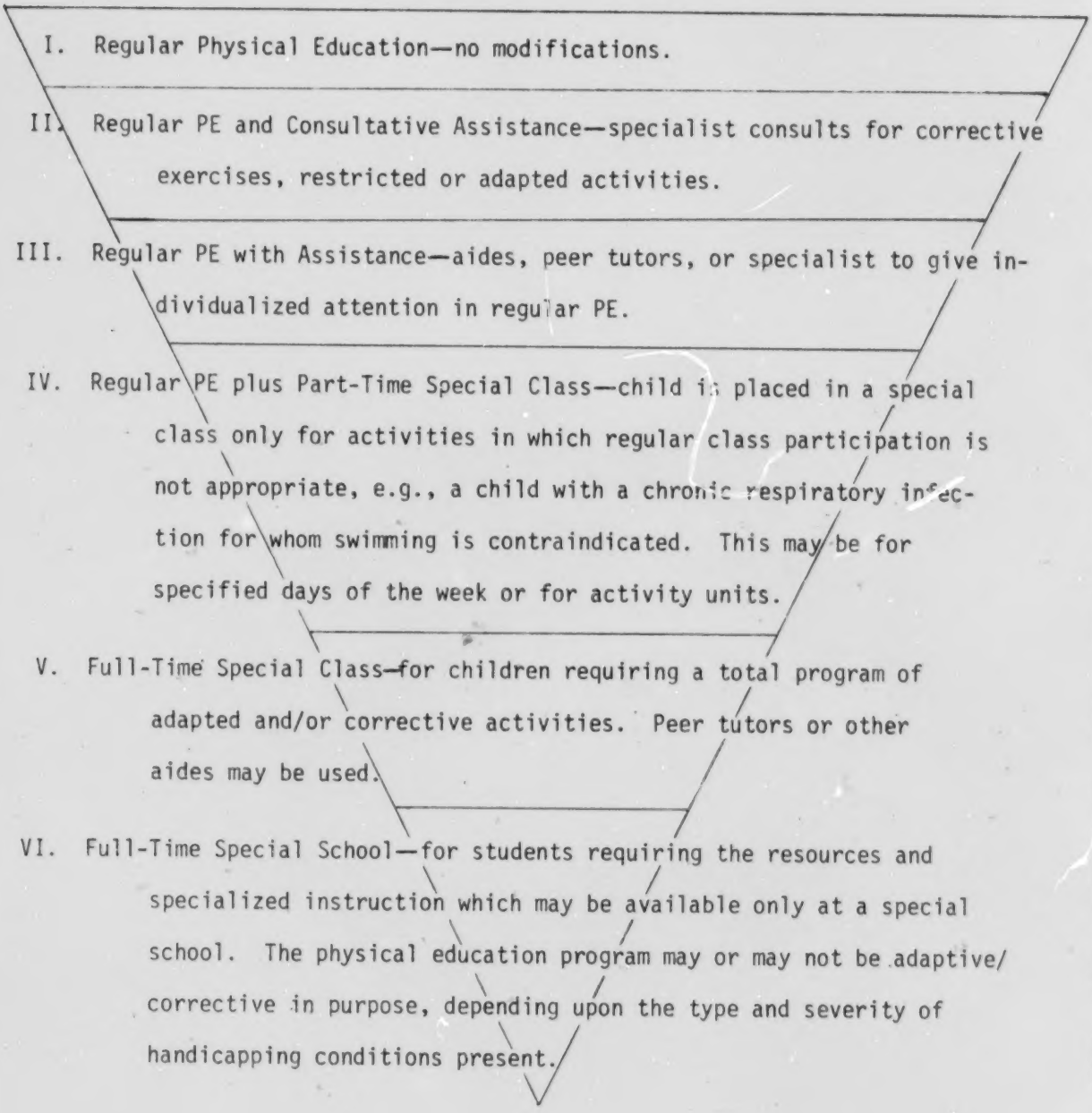
*Adapted from Information Research and Utilization Center in Physical Education for the Handicapped (IRUC). Adapted Physical Education Guidelines, Washington, D.C.: AAHPER, 1976.

FIGURE 1

OPTIONS FOR PHYSICAL EDUCATION SERVICES*


I. Regular Physical Education—no modifications.
II. Regular PE and Consultative Assistance—specialist consults for corrective exercises, restricted or adapted activities.
III. Regular PE with Assistance—aides, peer tutors, or specialist to give individualized attention in regular PE.
IV. Regular PE plus Part-Time Special Class—child is placed in a special class only for activities in which regular class participation is not appropriate, e.g., a child with a chronic respiratory infection for whom swimming is contraindicated. This may be for specified days of the week or for activity units.
V. Full-Time Special Class—for children requiring a total program of adapted and/or corrective activities. Peer tutors or other aides may be used.
VI. Full-Time Special School—for students requiring the resources and specialized instruction which may be available only at a special school. The physical education program may or may not be adaptive/corrective in purpose, depending upon the type and severity of handicapping conditions present.

*It should be kept in mind that the level of service provided for physical education is not necessarily the same as for other areas of programming. A child who requires full-time special class placement for academic services may be able to participate in a regular physical education program with little or no special services, or vice versa.

Personnel

In planning for a diversified physical education program, a district must consider the staffing which would be appropriate for the student population, geographic distribution, number and kinds of handicapped students, and funding. Each district should have access to at least one person with background in adapted physical education who would be capable of meeting the following responsibilities and functions:

- --Assess and evaluate the physical and motor status of individuals with various impairments, disabilities, and handicapping conditions.
- --Consult with other specialists and members of the assessment team.
- --Develop, implement, and evaluate diversified programs of physical education for individuals and groups with various impairments, disabilities, and handicapping conditions.
- --Provide resource information for other teachers of physical education.
- --Establish in-service training for other teachers of physical education.

In Oregon, there are many rural school districts with limited funds and schools spread over a large geographical area. Usually, it is the classroom teacher who teaches physical education at the elementary level. If these districts are unable to hire physical education teachers, a resource person in adapted physical education at the district level would be most appropriate. This person would be essential for the functions described above. It is reasonable to expect larger districts, and even the secondary schools of smaller districts, to have a person with an interest and background in adapted physical education at the school level.

There are a number of ways in which a physical education program can maximize individualized instruction from the teaching personnel.

- --Use student assistants from within the school regardless of its level--elementary, secondary, college or university. Criteria can be developed locally related to selecting, training, and evaluating assistants individually and collectively.
- --Use para-sub or nonprofessional personnel as technicians under the supervision of professionally prepared teachers to assist in specific aspects of the program.
- --Capitalize upon the flexibility of modular schedules to increase the number of class periods and add to the kinds of organizational patterns possible to enhance the program.
- --Develop schedules and patterns in which teachers only teach and as such are not responsible for supervising locker and shower room activities which are monitored by paid attendants. Even without modular scheduling this approach immediately doubles the number of class periods, reduces class size in half, and makes possible greater flexibility in scheduling so that more activities and additional individualized attention can be given students taking part in the adapted program.

Program Placement

It is the intent of P.L. 94-142 that services for handicapped children be in the least restrictive alternative. This means that handicapped children must be educated with nonhandicapped children to the greatest extent possible (P.L. 94-142, and 612 (5) (B). Such integration can occur most effectively by assuring that every student:

- --Has adequate and periodic medical examinations, screening tests, and other evaluation and assessment procedures to determine needs and assess progress.

--Is classified for and assigned to physical education upon the basis of results of a medical examination, other pertinent tests, and observations.
--Participates in activities of a program designed to meet individual and special needs and based upon functional capacity or exercise tolerance, abilities, disabilities, and interests.
--Is re-evaluated and re-examined periodically so that adjustments and changes can be made in programs as changes in condition are noted.
--Has accurate and up-to-date records on conditions and progress in various activities within the program.
--Is given opportunities to take part in those activities of the regular program in which he or she can safely, successfully, and with personal satisfaction participate.

It is also a requirement of Federal law that districts have a goal of implementing full educational opportunities for handicapped children. Thus, whatever physical education, sports, and recreational programs are available to nonhandicapped children should also be made available to handicapped children. Having a handicap should not necessarily exclude a student from participating in intramurals, interscholastic athletics, hikes, camping, boating, and other school activities.

Facilities and Equipment

For physical education programs to be appropriate to handicapped students, the facilities and equipment must be accessible and designed to meet individual needs. Much extensive and expensive special facilities are unnecessary. Participants want to take part in programs conducted in facilities that are as little different from those used by their peers and contemporaries as possible. Basic accessibility is the key to use by even the most severely and multiply involved person.

Realistically, some special provisions in facilities, equipment, and supplies may have to be made in some situations for adapted physical education. However, schools without special facilities, equipment, and supplies can initiate and carry on quality adapted physical education programs if personnel responsible for physical education are resourceful, original, and creative. While meeting immediate needs of students with innovative and inventive approaches, the staff can work with administrators, supervisors, parent groups, and interested professionals to obtain desired facilities, needed equipment, and adequate supplies.

The physical educator should study and evaluate carefully the school population to determine conditions which are to be served through the adapted physical education so items best suited to meet specific student needs can be recommended. Not all special items of equipment and supplies have to be obtained at once since needs of the current population should influence decisions regarding immediate priorities. Implications of full service programs for all students in least restrictive environments must also be considered when selecting equipment and supplies for these programs. Additional items can be added in subsequent years as population needs change and different kinds of equipment are required.

While the adapted physical education program cannot and should not be compromised, many personnel are confronted with having to make a decision between no program until sufficient equipment and supplies can be obtained and an immediate program with what is available in the way of equipment and supplies. Judicious planning in which existing materials are used optimally will help get a program underway. Consideration should be given to using multi-station gym units in the programs. Several stations are available in a limited area so a great deal of flexibility can be established in the program whatever its organizational pattern or structure. The versatility of these units makes them more economical than actual dollar and cents cost.

Records

Regardless of ways in which classes are organized to reduce teacher-pupil ratio, carefully kept day-to-day records are necessary. However, all records must be functional, facilitate instruction, and contribute to fulfilling objectives of the program. Individual folders kept on each student should include:

--referral forms (e.g., medical referral, Form 2 , from a physician).
--records of tests, evaluative instruments, and diagnostic measures.
--records of daily program, specific progressions, and activity exercise regimens.

All records should be kept in accordance with State and Federal regulations regarding confidentiality (see SP-5 and 6).

PHYSICAL EDUCATION

(from Federal Register, August 23, 1977)

(a) *General.* Physical education services, specially designed if necessary, must be made available to every handicapped child receiving a free appropriate public education.

(b) *Regular physical education.* Each handicapped child must be afforded the opportunity to participate in the regular physical education program available to non-handicapped children unless:

(1) The child is enrolled full time in a separate facility; or

(2) The child needs specially designed physical education, as prescribed in the child's individualized education program.

(c) *Special physical education.* If specially designed physical education is prescribed in a child's individualized education program, the public agency responsible for the education of that child shall provide the services directly, or make arrangements for it to be provided through other public or private programs.

Comment. The Report of the House of Representatives on Pub. L. 94-142 includes the following statement regarding physical education:

Special education as set forth in the Committee bill includes instruction in physical education, which is provided as a matter of course to all non-handicapped children enrolled in public elementary and secondary schools. The Committee is concerned that although these services are available to and required of all children in our school systems, they are often viewed as a luxury for handicapped children.

SP-4

DISCUSSION OF LEAST RESTRICTIVE ENVIRONMENT

Least Restrictive Environment (Richard Zeller, December, 1976):

Whichever placement is selected for the child, criteria to determine the "least restrictive environment" (LRE) must be applied. P.L. 94-142 and its draft regulation (BEH, November, 1976) offer no definition of least restrictive environment. The law does state clearly, however, that to the maximum extent appropriate, handicapped children are to be educated with children who are not handicapped. Specifically the law requires (Section 612):

> Each state must establish ...(b) procedures to assure that, to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicapped is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

This statement clearly gives thrust to the mainstreaming movement. The current placement alternatives in most schools do not, however, permit immediate mainstreaming (in the sense of concentrated regular classroom placement), nor do they typically offer a complete "cascade" of placement alternatives.

The June 25, 1975 Report of the House of Representatives on HR 72-17 make clear that a variety of settings, or a continuum of placement options, should exist within each state (i.e., hospital, home, school or institution). What seems to be legislative intent is that all settings in which handicapped children are educated need to be made less restrictive, and that as much as possible, handicapped children should be educated with non-handicapped children.

No clear scheme exists for determining for any given child which placement is least restrictive. It has been tempting to adopt a cascade of services model (after Reynolds, 1962; Deno, 1970), and assume that those services furthest away from the regular classroom are necessarily more restrictive. Figure 1 shows an example of a cascade of services model advocated by the Council for Exceptional Children.

The difficulty with assuming that those placements closer to the regular classroom are necessarily less restrictive is that it presupposes restrictiveness to be unidimensional. Relative physical proximity to normal peers is only one measure of restrictiveness. Others might include restriction on mobility, social interaction, etc. In most instances, however, before any child is moved to a setting substantially removed from normal peers (the regular classroom), compelling reasons relating to the child's welfare would have to be documented. P.L. 94-142 also requires that long-range plans address how that child will be returned (mainstreamed) to less restrictive settings.

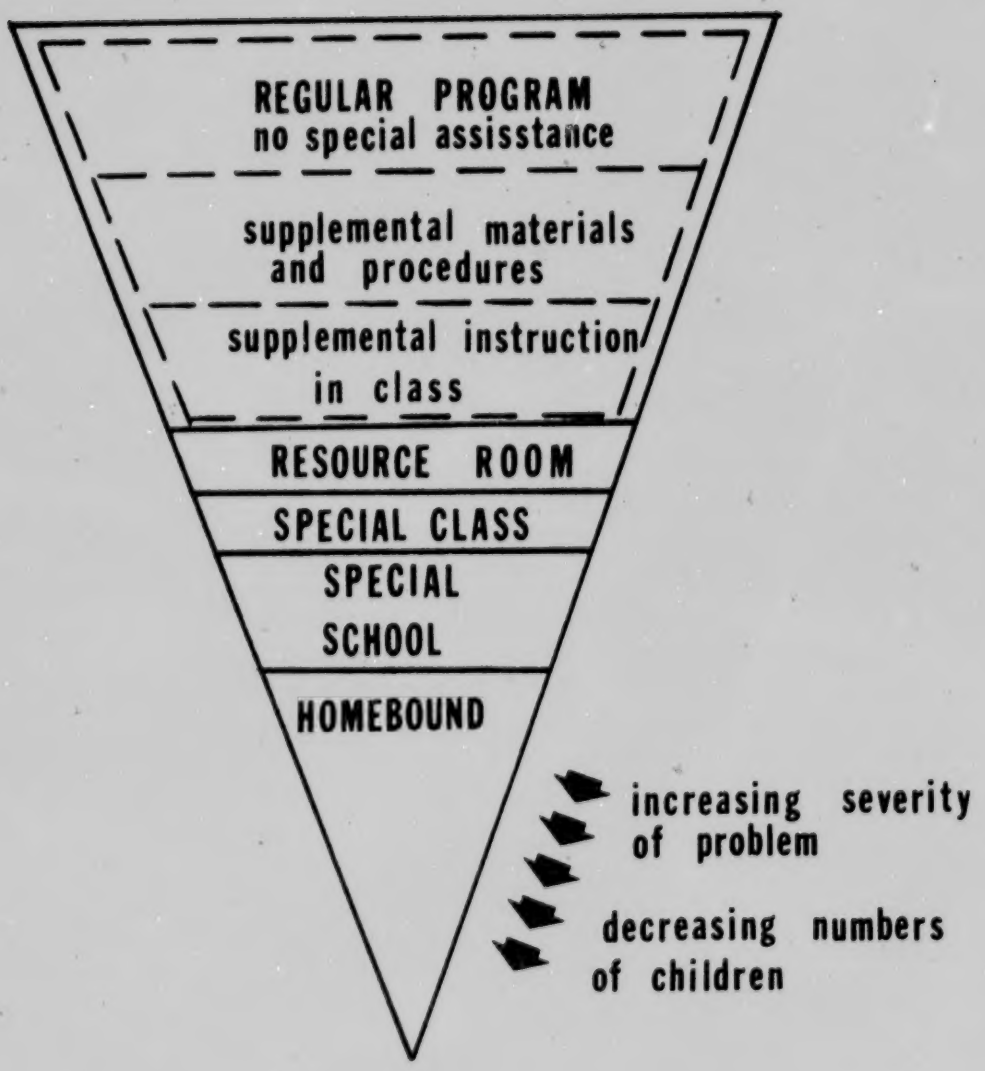
One can conceive of the process by which any LRE placement is selected as contributing to a change, over time, in how accommodative the regular classroom program can be. That is, alternative placements for any given child can be examined based on some notion of what must be restricted (programmatically) in the child's environment. Placements might also be examined in terms of how necessary the restrictions they impose are to programming. Factors related to restriction which would be considered might include (Larson, 1976):

-- Behavioral Restriction: Degree to which rules and regulations are an integral part of the environment limit the range of acceptable behavior.
-- Social Restriction: Degree to which interaction with other people is restricted.
-- Mobility Restriction: Degree to which the child's mobility is restricted by locked doors, stairs, limits on access to areas outside the immediate "classroom," etc.
-- Sensory Restriction: Degree to which sensory experiences are restricted through too much (overload) or too little (deprivation) patterning or ordering of stimuli.
-- Restricted Self-Direction: Degree to which the individual student's ability to control and direct his own educational experiences is limited.

One could argue quite reasonably that the above factors describe the problems with educational environments which impair their capacity to accommodate wide individual differences. The author would not deny that, but would stress that if placements other than the regular classroom are to be available (i.e., home, hospital, center programs, special classes) they should be examined programmatically in terms of their restrictiveness. If there are reasons, for example, for restricting a child's interactions with normal peers by placement in a self-contained center program, these reasons should be programmatic (i.e., it is the best thing for the child) rather than being administratively convenient (i.e., it makes funding accountability easier, transportation easier, etc.).

This seems clearly an ethical issue, in large part - it is not necessarily presumed that learning performance will improve in less restrictive settings. The LRE criteria is an effort to operationalize a particular value: it is better that all human beings mix together and learn to accommodate to one another, than that they separate and avoid interaction with others who might be different.

FIGURE 1: Example of a special education cascade of services model (after Reynolds, 1962; Deno, 1970).



SP-5

CONFIDENTIALITY OF HANDICAPPED
CHILDREN'S RECORDS OAR 581-11-055

CONFIDENTIALITY PROCEDURES
(EHA-B: 613 (b) (1) (B)

(1) Each local educational agency or agency reporting any data related to a handicapped child as defined in ORS 343.035 shall keep confidential any record maintained on that child in conformance with Section 513 and Section 613 (b) (1) of Public Law 93-380.

(2) Each local educational agency or cooperating agency reporting data on handicapped children shall provide access to any record maintained on that child in conformance with Section 513 and Section 613 (b) (1) of Public Law 93-380.

(3) Each local educational agency or cooperating agency reporting data on handicapped children shall provide due process hearing procedures in conformance with the rules and regulations relating to Section 513 and Sections 613 (b) (1) of Public Law 93-380 at the time this rule becomes effective.

II. CONFIDENTIALITY*
(EHA-B: 613 (b) (1) (B)

In accordance with detailed criteria prescribed by the Commissioner, the following policies and procedures have been established by the State of Oregon to protect the confidentiality of the child identification data and information required under Section 613 (b) (1) (A) of the Act:

A. Notice: Method & Content

The Oregon State Department of Education will place a Public Notice in newspapers having local and statewide coverage prior to the collection of personally identifiable data. The following Public Notice will appear in the OREGONIAN and THE OREGON JOURNAL.

> The Oregon State Department of Education, other state agencies and local school districts are collecting data related to physically, emotionally, learning disabled, and mentally handicapped children, dependent children, and pregnant individuals, birth through age twenty-one, for the purpose of determining present and future program and placement needs, for statistical reporting and fiscal accounting. Local school districts will be collecting data to assist the State in meeting its goal to provide full educational opportunities to all handicapped children. To accomplish this goal all children residing in the State who are handicapped, regardless of the severity of their handicap, and who are in need of special education and related services must be identified, located and evaluated.
>
> Some of the data to be collected is personally identifiable and may include the name of the child; parents or guardian, or other family member; the address of the child; personal identifier, such as the child's social security or student number, a list of personal characteristics or other information which would make it possible to identify the child with reasonable certainty.
>
> Personally identifiable data will be maintained on file in the agencies gathering the information and will be destroyed

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* "Amended Annual Program Plan for FY 1976 Under Part B, Education of the Handicapped Act as amended by Public Law 93-380." Submitted by the Oregon Department of Education January 2, 1976.

within five years after the data is no longer needed. Only participating agencies which are collecting and using the data for the purposes stated will have access to the data unless written parental consent is obtained.

Parents and guardians have the right to inspect any and all data regarding their children which is collected and may appeal the accuracy of any such information. The access of unauthorized persons to personally identifiable data without written parental consent is forbidden.

Each participating agency shall have available, for public inspection, a current listing of the names of those employees within the agency who may have access to the personally identifiable data. For further information regarding this notice, contact:

Division of Special Education
Oregon Department of Education
942 Lancaster Dr. NE
Salem, OR 97310
Telephone: 378-3598

In the event that the native language of the parent is not English, the agency closest to the source of the data collection shall provide parents the opportunity to receive notice of the collection of personally identifiable data in their native language. This may be accomplished through public or personal notification.

B. Access to Student Records

Parents are granted full and free access to information relating to their children in compliance with Section 438 of the General Educational Provisions Act and Part 99 of Title 45 of the Code of Federal Regulations and the Oregon Revised Statutes 336.185 to 336.215.

Where a direct conflict exists between Oregon law and Federal law, an agency or institution receiving Federal funds must follow Federal law relating to educational rights and privacy or face a loss of Federal funds.

The law which gives the greatest protection to the rights and privacy of parents and students shall take precedence in other cases. This shall also be the case in regards to Oregon Administrative Rules established within state agencies.

Each participating agency shall permit parents to inspect and review any personally identifiable data relating to their children which is collected, maintained, or used by the agency. The agency shall comply with a parent request to review or inspect personally identifiable data without unnecessary delay and prior to any hearing relating to the identification, evaluation, or placement of their child, and in no case more than 45 days after the request has been made.

The right to inspect these records include: the right to a response from the participating agency to requests for explanations and interpretations of the data; and the right to request that the agency provide copies of the records containing the data where failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the data.

An agency may presume that the parent has authority to inspect and review data relating to his or her child unless the agency has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation and divorce.

Each participating agency shall keep a record of parties obtaining access to data collected, maintained, or used with the exception

of parents and authorized employees of the participating agency. These records should include the name of the party, the date access was given, and the purpose for which the party is authorized to use the data.

If any record includes data on more than one child, the parents of those children shall have the right to inspect and review only the data relating to their child or to be informed of that specific data.

Each participating agency shall provide parents on request a listing of the types and locations of data collected, maintained, or used by the agency.

A participating agency may charge a fee for copies of records which are made for parents, provided that the fee does not effectively prevent the parents from exercising their right to inspect and review those records.

A participating agency shall not charge a fee to search for or to retrieve data. This shall apply to each participating agency and to all personally identifiable data collected, maintained, or used for the purposes set forth.

C. Hearing Rights

A parent who believes that data collected, maintained, or used is inaccurate or misleading or violates the privacy or other rights of the child may request the participating agency which maintains the data to make appropriate amendments to the data.

The agency shall decide whether to amend the data in accordance with the request within a reasonable period of time of receipt of the request.

If the agency decides to refuse to amend the data in accordance with the request it shall so inform the parent of the refusal, and advise the parent of the right to a hearing.

The agency shall, on request, provide an opportunity for a hearing in order to challenge data to insure that it is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the child.

If, as a result of the hearing; the agency decides that the data is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it shall amend the data accordingly and so inform the parent in writing and shall provide copies of the amendment to other agencies maintaining the data.

If, as a result of the hearing; the agency decides that the data is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it shall inform the parent of the right to place in the records it maintains on the child, a statement commenting on the data and setting forth any reasons for disagreeing with the decision of the agency.

Any explanation placed in the records of the child shall: be maintained by the agency as part of the records of the child as long as the record or contested portion thereof is maintained by the agency; and if the records of the child or the contested portion thereof is disclosed by the agency to any party, the explanation shall also be disclosed to the party. The parent's statement commenting on the data shall be provided to other agencies maintaining the data.

Hearing Procedures

a. Following a written notice and request by a parent for a hearing, delivered to the administrative officer of an agency, the agency shall appoint an impartial hearing officer to preside at a hearing. The hearing officer shall provide to the parents and to the officials of the agency notification as to the time and place of the hearing, which should be at a time and place reasonably convenient to the parties involved.

b. The hearing shall be scheduled no sooner than fifteen calendar days nor later than forty-five calendar days after receipt of the request for hearing from the parent. These time limits may be waived or altered by mutual consent.

c. The hearing shall be a closed hearing unless the parent requests an open hearing.

d. The parent shall have the right to a representative of his own choosing, including legal counsel. The agency may also be represented by legal counsel.

e. The decision of the hearing officer shall be based solely upon the evidence presented at the hearing.

f. The administrative officers of the agency shall bear the burden of proof as to the appropriateness and accuracy of information contained in the records.

g. A tape recording or other record of the hearing shall be made. The record of the proceedings shall be available to the parent.

h. At a reasonable time prior to the hearing, the parents or their counsel shall be given access to the records, including any tests or reports upon which the proposed records may be based.

i. At a reasonable time prior to the hearing, the parents or their counsel shall have an opportunity to obtain an independent evaluation of the child.

j. The parents or their representative shall have the right to request the attendance of any official, employee or agent of the agency who may possess evidence upon which the proposed action could be based.

k. Full opportunity for examination and cross-examination shall be accorded to each party.

l. Within thirty days after the hearing, the hearing officer shall render a decision in writing. Such decision shall include findings of fact and conclusions and shall be filed with the agency and a copy sent by certified mail to the parent.

m. Decisions rendered in the impartial hearing shall be binding on all parties subject only to appropriate administrative or judicial appeal.

n. Nothing contained herein shall be construed to preclude any system of consultations or conferences with parents that is used by agencies with regard to the personally identifiable records of children thought to be handicapped. Nor shall such consultations or conferences be held in lieu of a hearing if one is requested.

D. Consent

1. Policy

Agencies holding personally identifiable data will obtain written parental consent before the data are (1) disclosed to anyone other than officials of participating agencies collecting or using the data for the purposes stated, (2) used for any purpose other than those specified and (3) sought directly from the child by formal evaluation, interviewing or testing.

In the event a parent refuses to provide consent, every effort shall be set forth to establish a parent-agency counseling relationship. Counseling will emphasize the importance of consent in the best interest of the child. In the event the parent continues refusal of consent, data will not be disclosed, used for any purpose other than those originally specified, or sought directly from the child.

2. Procedure

Where the consent of a parent is required for the release of personally identifiable data, the agency will notify the parent in

their native language, in advanace of the proposed action and obtain written approval prior to the release of such data.

A release form for personally identifiable data shall be provided. The form shall include (1) specification of the records to be released, (2) the reasons for such release and (3) the names of the parties to whom such records will be released. The release form will be signed by and dated by the parent.

E. State and Local Access To Data

Personally identifiable data will not be disclosed without obtaining parental consent, except to participating agencies which are collecting or using the data for the purposes stated. Parental consent for disclosure to other than participating agencies shall be obtained by the agency planning to disclose personally identifiable data.

F. Safeguards

Each participating agency will protect the confidentiality of data at collection, storage, disclosure and destruction stages according to the following procedures:

One official at each participating agency shall assume responsibility for assuring the confidentiality of any personally identifiable data; all persons collecting or using personally identifiable data shall receive training or instruction regarding the State's policies and procedures, protecting the confidentiality of personally identifiable data. Each participating agency shall maintain for public inspection, a current listing of the names of those employees within the agency who may have access to the personally identifiable data.

G. Destruction of Data

All personally identifiable data collected for the purposes stated shall be destroyed within five years after the data is no longer needed, except that a permanent record consisting of a student's name, address, phone number, his/her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

Prior to the destruction of data, a reasonable effort will be made to notify parents that they have the right to be provided with a copy of any data which has been obtained or used for the purposes stated.

H. Children's Rights

When a pupil reaches age eighteen, or is attending an institution of post-secondary education, the permission or consent required of the rights given to parents shall be required of and granted to the student, except when the type or severity of the handicapping condition is determined to preclude the granting of such rights. In this case the rights are maintained by the parent.

I. Enforcement

State agency personnel found to be in violation of the confidentiality provision of this plan will be subject to disciplinary action as governed by ORS 240.555. Specific policies of participating agencies governing improper disclosure of confidential data will also apply. LEA's found to be in violation of confidentiality policies and procedures described in this plan shall be notified at once and asked for a written plan of correction.

If the situation is not corrected, the SEA shall withhold EHA part B funds. If an LEA is in violation of State Standards, state funds will be withheld until the state has assurance that confidentiality policies and procedures are met.

SP-6

STUDENT RECORDS

SUGGESTED GUIDELINES
FOR SCHOOL DISTRICTS

JULY 1977

STUDENT RECORDS

Editor's Note: This revised edition of Student Records will soon be published and available from the Department of Education. It has been reproduced here in entirety for the reader's convenience.

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FOREWORD

The following guidelines were developed due to the importance placed on student records, confidentiality, and the protection of the rights and privacy of parents and students by both state and federal legislation.

The objectives of this legislation are: to protect the privacy of both students and parents; to insure that a process exists for challenging incorrect, inappropriate or misleading materials in the records; to enforce an orderly process in the maintenance and transfer of records; to guarantee that only authorized persons and agencies have access to the records, and to allow that parents and students (over 18) can review the records.

These guidelines are suggestions only. Each district must develop and implement its own policy and guidelines which conform to the requirements of state and federal legislation. Final responsibility for interpretation and application rests with each local district.

Twenty workshops were conducted throughout the state to gather comments regarding these guidelines during November and December of 1974, January of 1975, and revised in 1976 after two years of field testing. For further information, contact Les Martin, 378-4765.

Verne A. Duncan
State Superintendent of
Public Instruction

TABLE OF CONTENTS

Foreword iii

Table of Contents v

Introduction 1

Section I Guidelines for Student Personnel Records 3

Section II Model Policy on Student Records 9

Section III Federal Law 13

Section IV Federal Rule on Education Records 17

Section V State Law 29

Appendix 31

INTRODUCTION

The guidelines presented in this publication are suggestions only; their purpose is to assist school boards and administrators develop school policies regarding pupil records. Each school district is responsible for interpreting and applying both federal and state law related to pupil records. The Oregon Department of Education suggests these guidelines, but emphasizes that final responsibility rest with the local board.

These guidelines should not be seen as a definitive statement of the law on pupil records. The law is subject to constant interpretation and changes are made with each new interpretation. Too, the rights and privileges granted under law depend on the circumstances in each case. Court cases on the issue of pupil records are few in number, with most cases litigated in those states having statutes on student records. However, it appears that court action is increasing across the country and local school boards would be well advised to see that both policies and practices related to student records are in line with federal law and rules, and Oregon law and Administrative Rules.

SECTION I

GUIDELINES FOR STUDENT PERSONNEL RECORDS

AUTHORITY

Federal Law

On August 21, 1974, federal legislation known as the "Education Amendments of 1974" was enacted, effective November 20, 1974. Section 513, (a) Part C of the General Education Provisions Act was further amended with the addition of a new section: "PROTECTION OF THE RIGHTS AND PRIVACY OF PARENTS AND STUDENTS," which was further amended by S.J. Res 40, and Federal Regulations authorized in PL 93-380.

Federal Rules

Federal Rules on Education Records became effective on June 17, 1976.

Oregon Law

ORS 336.185 to 336.215 established a definition of student records, rules of inspection or release of student records; that student records are not public records for the purpose of ORS 192.005, and provisions for transfer of student records.

ORS 44.040

ORS 44.040 covers confidential communication of certified staff members.

Administrative Rules for Oregon Education

OAR 22-258 Pupil Personnel Services describes the rules for maintaining permanent Pupil Records with contents and requirements related to Requests for Official Transcripts and records.

1.0 Purpose of Student Records

1.1 Student records are maintained for the benefit of the student. They should be used to promote the instruction, career development, guidance, and educational progress of the student.

2.0 Definitions

2.1 "Student records" include all records relating to students maintained by any elementary or secondary school.

2.2 "Student behavioral records" are student records which include psychological tests, personality evaluations, records of conversations, and any written transcript of incidents relating specifically to student behavior.

2.3 "Student progress records" are student records which include transcripts of grades and courses taken, records of attendance, tests relating specifically to achievement or measurement of ability, and records of health (i.e., From ORS 336.185).

2.4 Federal legislation considers all information directly related to the student and maintained by the education agency or institution as educational records and makes no distinction between behavioral and progress records. Provision is made for directory information (13.1).

3.0 Which Law Applies

3.1 Where a direct conflict exists between Oregon law and federal law, a district receiving federal funds must follow federal laws relating to education rights and privacy or face the loss of federal funds.

3.2 The law which gives the greatest protection to the rights and privacy of parents and students shall take precedence in other cases.

4.0 How to Separate Information on Testing

4.1 In determining whether test information belongs in the progress or behavioral record as defined, the classification given the test in the latest edition of Buros' Mental Measurement Yearbook shall be the guideline. Where a test is not listed in Buros, the district policy should include a definition consistent with the test designer's stated purpose and the test manual's description.

5.0 Required Content of Records

5.1 The permanent record is that part of the progress record which contains:

(1) The full name of the student
(2) Birth date
(3) Parents' names (or legal guardian)
(4) Entry date
(5) Previous school attended
(6) Subjects taken
(7) Marks received and/or credits earned
(8) Attendance
(9) Date and reason for leaving school
(10) Such additional information as prescribed by the district (From Administrative Rule 22-258)

6.0 Access to Student Records

6.1 Board policy should provide for inspection of any student's records by his/her parent or legal guardian until such time as the rights and privileges transfer to the student. Board policy should establish guidelines for determining which personnel within the school have legitimate reason for reviewing, making additions to or deletions from a student's records. School personnel with no legitimate educational interest in a particular student may not have access to his/her records. Without written consent of the parent (or student when the rights are his/hers), no third party may have access to the records except as required by federal law or as defined by board policy in accordance with Oregon law; i.e., ORS 336.195 (4).

6.1.1 Oregon law requires that student progress records shall be available to all teaching staff. However, federal law requires that only school personnel with legitimate educational interests in a particular student have access to a student's records.

6.1.2 Oregon law which requires release of behavioral records only in the presence of an individual qualified to explain or interpret the records is not at variance with federal law.

6.1.3 For the purpose of staff access to the records, release and use of the behavioral records shall mean the same. Any school person who has use of the behavioral record must be qualified to explain or interpret the record. A person qualified to interpret psychological tests and personality evaluations should be able to show evidence of proper training to make such interpretations. All staff should be considered qualified to interpret any behavioral material they have written. The building administrator using criteria established in board policy should be authorized to determine which staff members are qualified to interpret records of conversations and any written transcript of incidents relating specifically to student behavior.

6.1.4 A request to inspect, review, or challenge the records must be granted within 45 days. Board policy should describe the procedure for requesting and reviewing the record. Provision should be made for verbal requests so that those without command of the language or writing skills are not "effectively prevented" from access to the records.

6.2 Certain Records Exempt From Review

6.2.1 Students may not examine financial records of their parents or any information contained therein.

6.2.2 Confidential letters and statements of recommendation, which were placed in the education records prior to January 1, 1975, may not be examined if such letters or statements are not used for purposes other than those for which they were specifically intended.

6.2.3 A student may waive his/her rights to inspect confidential recommendations for admission to an educational institution, in applying for employment or for receipt of an honor, providing he/she is notified of the names of the persons making the recommendations and that the waiver is not a requirement.

6.2.4 Personal records of students, which are records kept by staff members, are *not* considered educational records under federal law, provided that they are in the sole possession of the maker thereof and are not accessible or revealed to any other person except a substitute.

6.3 A student does not automatically have access to his/her own record by state or federal law prior to age 18. However, it is recommended that districts include a provision in their policy for students to have access to their own records.

7.0 Right to Challenge

7.1 Parents shall have an opportunity for a hearing to challenge the content of their child's school records, to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of such inaccurate, misleading or otherwise inappropriate data contained herein. (From Section 513 (a), Part C of the General Education Provisions Act as amended.)

7.2 School boards should incorporate in their policy on student records provisions for challenging the records. As a minimum, the policy should provide:

(1) A reasonable method for requesting a hearing.
(2) Provision for holding the hearing within a reasonable length of time and at a reasonable location.
(3) A description of the hearing panel's composition.
  (a) a disinterested, qualified third party is recommended.
  (b) a member chosen by the parent is recommended.

(4) A description of the rules to be followed.
(5) Provision for an appeal to the hearing panel's decision.
(6) The hearing should be private unless a public hearing is requested by the parent.

8.0 Age of Consent

8.1 When a pupil reaches age 18, or is attending an institution of post-secondary education, the permission or consent required of and the rights given to parents shall be required of and granted to the student. (From "Education Amendments of 1974.")

8.2 Students, in order to receive their rights prior to age 18, should have graduated or have a release from attendance from the local board in order to be considered as attending an institution of post-secondary education.

8.3 Parents of a dependent student are entitled to student record information of a dependent student of such parents as defined in Section 152 of the Internal Revenue Code of 1954.

9.0 Transfer of Progress Records

9.1 Oregon Revised Statutes allow transfer of student progress records without penalty to any other school or educational institution upon receipt of notice of the student enrolling in said institution. (ORS 336.215)

9.2 Oregon Administrative Rules require transfer of student progress records upon receipt of notice of enrollment from another educational institution. (OAR 22-258 (3) (d).)

9.3 Federal law allows the transfer of records to other school systems provided the student's parents are notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record. (From Educational Amendments of 1974.)

10.0 Transfer of Behavioral Records

10.1 Oregon Revised Statutes allow transfer of student behavioral records without penalty to any other school or educational institution upon receipt of notice of the student enrolling in said institution. (ORS 336.215).

10.2 Oregon Administrative Rules require the forwarding of behavioral records only upon request of the student's parents. The parent may sign such a request upon withdrawal of the student or upon entry into the next school.

10.3 Provision should be made for securing a written request or for a witnessed request when the parent is unable to provide a written request.

10.4 Each district's policy on student records should include provisions for reviewing the behavioral record prior to transfer and/or inspection, for the purpose of removing and destroying any material that is no longer appropriate or which would not be appropriate outside the sending district.

11.0 Method of Notification of Transfer

11.1 It is recommended that the following message to parents be included in each student handbook and in each registration packet. "This is your notification that should your child enroll in another school or school system, an official transcript or copy of the permanent record will be sent to the school upon our receipt of notification of the student's enrolling in said institution. Prior to the withdrawal of your child from our district, you have a right to see your student's records and a hearing to challenge the content of the record. Your request for a hearing must allow two days between the request and hearing. You may receive a copy of the record to be transferred if you desire. Any hearing must be held prior to the actual withdrawal of your child."

11.2 Reasonable effort must be made to notify appropriate parties when records are transferred. The method used for notification of school election may also be used to notify of record transfer policy. Mailing a notice of transfer to the last known address ten days prior to transferring records may be considered reasonable effort.

11.3 The responsibility for notification rests with the transferring district. Receiving districts may not be required to secure written requests for transfer of progress records.

12.0 Inspection of Records by Third Parties

12.1 The Education Amendments of 1974 provide that certain state and federal agencies may inspect student records without written consent, but require that a record be maintained indicating specifically the legitimate educational or other interest that the person, agency, or organization has in seeking this information. This statement is to become a permanent part of the record, but only for inspection by the parents, by students over 18, and by the school official who is responsible for the custody of such records.

12.2 Records transferred to third parties shall be clearly stamped with the statement, "These records may not be transferred except as provided for in Public Law 93-380 as amended."

12.3 It is suggested that all school personnel using the record be listed, with the purpose of their access indicated.

13.0 Release of Directory Information

13.1 The following types of information shall be known as directory information: the student's name, address, telephone listing, date, and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

13.2 Each year, prior to releasing directory information the school must give public notice of the categories it has designated as directory information. A designated period of time after such notice shall be allowed prior to the publishing of the material. A parent may, by written notice to the school, within the designated time, prevent the school from publishing any or all of such information relating to his/her child unless written consent is given prior to each release.

14.0 I.Q. Scores

14.1 Individual I.Q. scores shall be in the behavioral record since release of an I.Q. score may result in misinterpretation without the presence of an individual qualified to interpret it.

15.0 Security of Records

15.1 Student records should be kept in a location where someone familiar with the local board's policy and appropriate laws on student's records may control access. Keeping files in a location which might allow inspection by unauthorized personnel could place a school in possible violation of both federal and state law.

15.2 A copy of the permanent record shall be kept in a safe, vault, or file with a minimum one-hour fire-safe rating. These duplicate records may be kept in a safe depository outside the building.

16.0 Notification of Rights

16.1 Federal law requires that parents and students be notified annually of their rights relating to student records. It is suggested that a statement similar to the following be published and a copy included in the student handbook and with registration materials: "As a parent or a student over 18 years of age, or if you are attending a post-secondary education institution, you have the right to inspect your educational records. You have the right for a hearing should you choose to challenge the content of such records to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of such inaccurate, misleading, or otherwise inappropriate data contained therein and to insert into such records a written explanation to the parents respecting the content of such records. Your request to inspect the records shall be complied with 2 days from your request, but in no case more than 45 days from your request. The same time limits apply for a request for a hearing to challenge the content of such records."

"The principal in each building has a copy of the district's student records policy which you may examine. You may obtain a copy of the policy on records for a fee of 5 cents *[sic]* per page. You have the right to file a complaint with the office of the secretary of HEW concerning alleged failures of the district to comply with the requirements of 93-380. Oregon schools maintain two types of student records which are designated as "progress records" and "behavior records." The principal is the person in charge of the records in each building."

16.2 All notices of rights and records transfer must be in the language predominately spoken in the home. When the language is other than English, Spanish, or Russian, a request for exemption may be placed with the superintendent of public instruction.

17.0 Release of Information to State Agencies

17.1 Information may be released without prior written consent to state and local officials or authorities to which such information is specifically required to be reported or disclosed pursuant to state statute adopted prior to November 19, 1974.

17.2 Information may be furnished in compliance with judicial order, or pursuant to any lawfully issued subpoena, on the condition that parents and the student are notified of all such order or subpoenas in advance of the compliance therewith. Oregon law (ORS 336.195) requires that behavioral records be released only in the presence of an individual qualified to explain or interpret the records.

17.3 Information may be released to state educational agencies in order to evaluate, supervise, audit, or inspect federally supported educational programs, provided that personally identifiable information is protected in a manner which will not permit the personal identification of students and their parents by other than those officials, and that such data shall be destroyed when no longer needed.

18.0 Research

18.1 No personally identifiable information may be released for research except as provided in Education Amendments of 1974. Researchers using information from student records should not be allowed to see a record without the written consent of the parents or student involved. However, personally identifiable data could be transformed by a staff member to a form usable by the researcher which would not identify individual students.

18.2 Information may be released without prior written consent to organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, or improving instruction. Such organizations must protect the personally identifiable information and destroy it when it is no longer needed for the purpose for which the study was conducted.

19.0 Report Cards

19.1 Report cards and any other report released to the parents or student without the presence of an individual qualified to explain or interpret the records shall contain progress data only.

19.2 In the event behavioral information of any nature is contained on a report card or any other type of communication, it may be released only in the presence of an individual qualified to explain or interpret it.

20.0 Burden of Proof

20.1 When one parent declares that the other parent or legal guardian does not have a right as described in the Family Education Rights and Privacy Act as amended, the burden of proof for the legality of that denial rests with the declaring parent. The school should allow for the rights under law unless legal evidence denying that right is furnished.

20.2 When a student claims his/her adult rights as an emancipated student, the burden of proof for the legality of the claim rests with the student.

SECTION II

MODEL POLICY ON STUDENT RECORDS

Article 5: Pupil Personnel

5700 – Record Keeping

THIS IS A SUGGESTED POLICY STATEMENT. SCHOOL BOARDS MAY CHOOSE TO AMEND OR OTHERWISE ALTER THE CONTENT TO MEET LOCAL CONDITIONS.

*THE POLICY NUMBER, 5700, IS BASED ON THE PATTERN PROPOSED IN "TABLE OF CONTENTS, SUGGESTED PERSONNEL POLICY GUIDELINES FOR SCHOOL DISTRICTS" DISTRIBUTED BY THE OREGON DEPARTMENT OF EDUCATION DURING THE 1970 SCHOOL YEAR. ADDITIONAL COPIES ARE AVAILABLE AT THE DEPARTMENT OF EDUCATION.

5710 – Conditions for Use of Student Records

5710.1 School certificated staff shall have access to student "progress records" when there is a demonstrated educational interest in the student.

5710.2 School certificated staff shall have access to student "behavioral records" only in the presence of a person qualified to interpret the record and when there is a demonstrated interest in the student.

The person qualified to interpret the record is the school principal, a school counselor, or other designated person with equivalent background to interpret psychological test information, psychological reports, or other similar information.

5710.3 Student teachers and practicum students are subject to the same restrictions as members of the certified staff, and any release of information must be made by their certified supervisor.

5710.4 Designated paraprofessional and clerical staff may have access to student records for purposes of making entries or maintenance of records, but they shall do so under the supervision of a certificated staff member qualified to interpret the record.

5710.5 Guidelines for determining certificated staff members with demonstrated interest in the student are as follows:

– teacher having the student in class or student activity
– counselor having the student assigned as a counselee
– certificated staff member participating in a staff review or case review for a particular student.

5720 – Withdrawal of Student

5720.1 Student progress records, including a copy of the permanent record, shall be forwarded to other public elementary or secondary schools upon notice of enrolling of said student, provided that

parents are notified of the records to be transferred, and a reasonable time is allowed for review of the records. Parents will be notified through a parent handbook which contains a statement such as the one recommended in paragraph 11.1.

This same statement shall be sent home to parents at least once annually.

5720.2 Student behavioral records shall be forwarded to other public elementary or secondary schools only upon request of the parents of the student. The parent may sign such a request upon withdrawal of the student or upon entry into the next school.

5720.3 A copy of the student's permanent record as designated in OAR 22-258 shall be retained in the school or district office.

All other student records will be forwarded as requested or destroyed according to the destruction schedule recommended by the State Archivist as follows:

behavioral records	2 years
progress records (not including the permanent record)	3 years

5730 – Conditions for Release of Student Records

5730.1 All student records maintained by the school shall be made available for inspection by the student, his/her parent or legal guardian, except that behavioral records shall be released only in the presence of a person qualified to interpret the records.

5730.2 Progress records may be released to other persons, agencies or institutions with a demonstrated interest in the student only if a written release has been signed by the parent or legal guardian or by the student if 18 years of age or older.

Behavioral records may be released to other persons, agencies, or institutions only if there is written consent from the student's parents specifying the records to be released. A copy of the records released shall be provided to the student's parents and the student if desired by the parents.

Certain other select individuals and agencies may have access to student records without prior written consent from the student's parents: the Comptroller General of the United States, the Secretary of HEW, administrative head of an education agency (as defined in Section 408(c) of PL 93-380), state educational authorities, and those in conjunction with a student's application for, or receipt of, financial aid. The student shall not have access to the financial records of the parents.

5730.3 All persons, agencies, or organizations desiring access to the records of a student, shall sign a written form kept in the file of the student, but only for the inspection by the parents or student, indicating specifically the legitimate interest of the person, agency, or organization in seeking this information. This form shall be available to parents and to the school official responsible for maintenance of the record.

5730.4 Progress and behavioral records shall be transferred to a third party only on the condition that such party will not permit any other party to have access to the records without written consent of the parents of the student. When records are transferred to a third party, the following written statement shall accompany the transfer: "Federal and state statutes prohibit sharing of the contents of this record with another party without the written consent of the parents of the student."

5730.5 Release of student records may be made by the superintendent or designee for use in any proceedings in compliance with judicial order or lawfully issued subpoena, upon condition that the parents and student are notified of all such orders or subpoenas in advance of the compliance

therewith by the educational institution or agency. Personal delivery of the records to the court will be made by a certificated staff member qualified to explain or interpret the records.

5730.6 Information gained as a result of conversations, conferences, or staff meetings regarding student problems must be kept confidential. Release of student record information by telephone is prohibited except as required in meeting emergency or unusual circumstances.

5730.7 Information gathered for research purposes shall not be released in any manner which would allow personal identification of students.

5740 – Provision for Hearing to Challenge the Content of the Student Record

5740.1 Upon reviewing the student records, if the parent believes that such records are inaccurate, inappropriate, or misleading, the parent shall have the right to challenge the contents of the record. If the person responsible for the record agrees that the record is inaccurate, inappropriate, or misleading, steps shall be taken to correct the record.

5740.2 If the person responsible for the record does not concur with the parent, then hearing procedures shall be instituted as follows:

a. Parent shall make request for a hearing in which the objections are specified in writing to the school principal.

b. The principal shall establish a date and location for the hearing agreeable to both parties.

c. The hearings shall consist of the following:
- the principal or designated representative
- a member chosen by the parent
- a neutral, qualified third party appointed by the superintendent.

d. The hearing shall be private. Persons other than the student, parents, or guardians, witnesses, and counsel shall not be admitted.

5740.3 The principal or designated representative shall preside over the panel. He shall hear evidence from the school staff and from the parents to determine the point or points of disagreement regarding the records. The principal shall make a determination after hearing the evidence and determine what steps, if any, are to be taken to correct the record. Such actions are to be made in writing to the parents.

5740.4 If, after such hearing is held as described above, the parents are not satisifed with the recommended action, the parents may appeal to the district school board at which time the action of the hearings panel may be reviewed and affirmed, reversed, or modified. Procedure for appeal beyond the local district board follows the prescribed action as set forth in federal regulations.

5750 – Gathering and Recording Student Record Information

5750.1 Information concerning students will be kept as follows:

Student Progress Record
Permanent record (parents' name, etc.)
Health records
Achievement test scores

Student Behavioral Record
Family background
Psychological test information
Anecdotal records
Records of conversation

Memory aids and personal working notes of individual staff members are considered personal property and are not to be interpreted as school records unless they are formalized for use as progress or behavioral records, providing they are in the sole possession of the maker thereof and are not accessible or revealed to any other person except a substitute.

5750.2 One certificated staff member shall be designated as the primary keeper of the record and shall have responsibility for supervising, collecting, recording, and releasing student record information.

5750.3 All student records shall be periodically reviewed, irrelevant materials discarded and the records updated.

Permanent records should be kept in a safe, vault or file, having a minimum one-hour, fire-safe rating.

5750.4 The superintendent shall designate categories of information to be known as directory information. A public announcement of the designated categories and the intent to publish shall be made 15 days prior to the opening of the school year. No directory information shall be released prior to the expiration of the 15-day waiting period other than data covered under the preceding public announcement.

5760 – Privileged Information

5760.1 Violation of confidentiality of a conversation between a staff member and a student relating to the personal affairs of the student or his family may result in the suspension of the certification of the staff member, if the information tends to damage or incriminate a student or his family.

5770 – Waivers to Rights

5770.1 Students may be granted waivers to their rights to inspect confidential recommendations in accordance with the requirements of PL 93-380.

SECTION III

FEDERAL LAW

Family Education Rights and Privacy Act, PL 93-380
as Amended by PL 93-568

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[45 CFR Part 99]

PRIVACY RIGHTS OF PARENTS AND STUDENTS

Proposed Establishment of Part

Sec. 438. (a)(1)(A) No funds shall be made available under any applicable program to any educational agency or institution which has a policy of denying, or which effectively prevents, the parents of students who are or have been in attendance at a school of such agency or at such institution, as the case may be, the right to inspect and review the education records of their children. If any material or document in the education record of a student includes information on more than one student, the parents of one of such students shall have the right to inspect and review only such part of such material or document as relates to such student or to be informed of the specific information contained in such part of such material. Each educational agency or institution shall establish appropriate procedures for the granting of a request by parents for access to the education records of their children within a reasonable period of time, but in no case more than forty-five days after the request has been made.

(B) The first sentence of subparagraph (A) shall not operate to make available to students in institutions of postsecondary education the following materials:

(i) financial records of the parents of the student or any information contained therein;

(ii) confidential letters and statements of recommendation, which were placed in the education records prior to January 1, 1975, if such letters or statements are not used for purposes other than those for which they were specifically intended;

(iii) if the student has signed a waiver of the student's right of access under this subsection in accordance with subparagraph (C), confidential recommendations—

(I) respecting admission to any educational agency or institution,

(II) respecting an application for employment, and

(III) respecting the receipt of an honor or honorary recognition.

(C) A student or a person applying for admission may waive his right of access to confidential statements described in clause (iii) of subparagraph (B), except that such waiver shall apply to recommendations only if (i) the student is, upon request, notified of the names of all persons making confidential recommendations and (ii) such recommendations are used solely for the purpose for which they were specifically intended. Such waivers may not be recurred [sic] as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from such agency or institution.

(2) No funds shall be made available under any applicable program to any educational agency or institution unless the parents of students who are or have been in attendance at a school of such agency or at such institution are provided an opportunity for a hearing by such agency or institution, in accordance with regulations of the Secretary, to challenge the content of such student's education records, in order to insure that the records are not inaccurate, misleading, or otherwise

in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein and to insert into such records a written explanation of the parents respecting the content of such records.

(3) For the purposes of this section the term "educational agency or institution" means any public or private agency or institution which is the recipient of funds under any applicable program.

(4) (A) For the purposes of this section, the term "education records" means, except as may be provided otherwise in subparagraph (B), those records, files, documents, and other materials which–

(i) contain information directly related to a student; and

(ii) are maintained by an educational agency or institution, or by a person acting for such agency or institution.

(B) The term "education records" does not include–

(i) records of institutional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute;

(ii) if the personnel of a law enforcement unit do not have access to education records under subsection (b)(1), the records and documents of such law enforcement unit which (I) are kept apart from records described in subparagraph (A), (II) are maintained solely for law enforcement purposes, and (III) are not made available to persons other than law enforcement officials of the same jurisdiction;

(iii) in the case of persons who are employed by an educational agency or institution but who are not in attendance at such agency or institution, records made and maintained in the normal course of business which relate exclusively to such person in that person's capacity as an employee and are not available for use for any other purpose; or

(iv) records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, which are created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or para-professional capacity, or assisting in that capacity, and which are created, maintained, or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment; provided, however, that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.

(5)(A) For the purposes of this section the term "directory information" relating to a student includes the following: the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

(B) Any educational agency or institution making public directory information shall give public notice of the categories of information which it has designated as such information with respect to each student attending the institution or agency and shall allow a reasonable period of time after such notice has been given for a parent to inform the institution or agency that any or all of the information designated should not be released without the parent's prior consent.

(6) For the purposes of this section, the term "student" includes any person with respect to whom an educational agency or institution maintains education records or personally identifiable information, but does not include a person who has not been in attendance at such agency or institution.

(b)(1) No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of permitting the release of education records (or personally identifiable information contained therein other than directory information, as defined in paragraph (5) of subsection (a)) of students without the written consent of their parents to any individual, agency, or organization, other than to the following–

(A) other school officials, including teachers within the educational institution or local educational agency who have been determined by such agency or institution to have legitimate educational interests;

(B) officials of other schools or school systems in which the student seeks or, intends to enroll, upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record;

(C) authorized representatives of (i) the Comptroller General of the United States, (ii) the Secretary, (iii) an administrative head of an education agency (as defined in section 408(c) of this Act), or (iv) State educational authorities, under the conditions set forth in paragraph (3) of this subsection; and

(D) in connection with a student's applications for, or receipt of, financial aid;

(E) State and local officials or authorities to which such information is specifically required to be reported or disclosed pursuant to State statute adopted prior to November 19, 1974;

(F) organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted;

(G) accrediting organizations in order to carry out their accrediting functions;

(H) parents of a dependent student of such parents, as defined in section 152 of the Internal Revenue Code of 1954; and

(I) subject to regulations of the Secretary in connection with an emergency, appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

(2) No funds shall be made available under any applicable program to any education agency or institution which has a policy or practice of releasing, or providing access to, any personally identifiable information in education records other than directory information, or as is permitted under paragraph (1) of this subsection unless—

(A) there is written consent from the student's parents specifying records to be released, the reasons for such release, and to whom, and with a copy of the records to be released to the student's parents and the student if desired by the parents, or

(B) such information is furnished in compliance with judicial order, or pursuant to any lawfully issued subpoena, upon condition that parents and the students are notified of all such orders or subpoenas in advance of the compliance therewith by the educational institution or agency.

(3) Nothing contained in this section shall preclude authorized representatives of (A) the Comptroller General of the United States, (B) the Secretary, (C) an administrative head of an education agency or (D) State educational authorities from having access to student or other records which may be necessary in connection with the audit and evaluation of Federally supported education programs, or in connection with the enforcement of the Federal legal requirements which relate to such programs: *Provided*, That except when collection of personally identifiable information is specifically authorized by Federal law, any data collected by such officials shall be protected in a manner which will not permit the personal identification of students and their parents by other than those officials, and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, and enforcement of Federal legal requirements.

(4)(A) Each educational agency or institution shall maintain a record, kept with the education records of each student, which will indicate all individuals (other than those specified in paragraph (1)(A) of this subsection), agencies, or organizations which have requested or obtained access to a student's education *[sic]* records maintained by such educational agency or institution, and which will indicate specifically the legitimate interest that each such person, agency, or organization has in obtaining this information. Such record of access shall be available only to parents, to the school official and his assistants who are responsible for the custody of such records, and to persons or organizations authorized in, and under the conditions of, clauses (A) and (C) of paragraph (1) as a means of auditing the operation of the system.

(B) With respect to this subsection, personal information shall only be transferred to a third party on the condition that such party will not permit any other party to have access to such information without the written consent of the parents of the student.

(C) The Secretary shall adopt appropriate regulations to protect the rights of privacy of students and their families in connection with any surveys or data-gathering activities conducted, assisted, or authorized by the Secretary or an administrative head of an education agency. Regulations established under this subsection shall include provisions controlling the use, dissemination, and protection of such data. No survey or data-gathering activities shall be conducted by the Secretary, or an administrative head of an education agency under an applicable program, unless such activities are authorized by law.

(D) For the purposes of this section, whenever a student has attained eighteen years of age, or is attending an institution of postsecondary education the permission or consent required of and the rights accorded to the parents of the student shall thereafter only be required of and accorded to the student.

(E) No funds shall be made available under any applicable program to any educational agency or institution unless such agency or institution informs the parents of students, or the students, if they are eighteen years of age or older, or are attending an institution of postsecondary education, of the rights accorded them by this section.

(F) The Secretary, or an administrative head of an education agency, shall take appropriate actions to enforce provisions of this section and to deal with violations of this section, according to the provisions of this Act, except that action to terminate assistance may be taken only if the Secretary finds there has been a failure to comply with the provisions of this section, and he has determined that compliance cannot be secured by voluntary means.

(G) The Secretary shall establish or designate an office and review board within the Department of Health, Education, and Welfare for the purpose of investigating, processing, reviewing, and adjudicating violations of the provisions of this section and complaints which may be filed concerning alleged violations of this section. Except for the conduct of hearings, none of the functions of the Secretary under this section shall be carried out in any of the regional offices of such Department.

SECTION IV

FEDERAL RULE ON EDUCATION RECORDS

Title 45 – Public Welfare

SUBTITLE A – DEPARTMENT OF HEALTH, EDUCATION AND WELFARE GENERAL ADMINISTRATION

PART 99 - PRIVACY RIGHTS OF PARENTS AND STUDENTS

Subpart A – General

Sec.
99.1 Applicability of part.
99.2 Purpose.
99.3 Definitions.
99.4 Student rights.
99.5 Formulation of institutional policy and procedures.
99.6 Annual notification of rights.
99.7 Limitation on waivers.
99.8 Fees.

Subpart B – Inspection and Review of Education Records

Sec.
99.11 Right to inspect and review education records.
99.12 Limitations on right to inspect and review education records at the postsecondary level.
99.13 Limitation on destruction of education records.

Subpart C – Amendment of Education Records

99.20 Request to amend education records.
99.21 Right to a hearing.
99.22 Conduct of the hearing.

Subpart D – Disclosure of Personally Identifiable Information From Education Records

99.30 Prior consent for disclosure required.
99.31 Prior consent for disclosure not required.
99.32 Record of disclosures required to be maintained.
99.33 Limitations on redisclosure.
99.34 Conditions for disclosure to officials of other schools or school systems.
99.35 Disclosure to certain Federal and State officals for Federal program purposes.
99.36 Conditions for disclosure in health or safety emergencies.
99.37 Conditions for disclosure of directory information.

Subpart E – Enforcement

99.60 Office and review board.
99.61 Conflict with State or local law.
99.62 Reports and records.
99.63 Complaint procedure.
99.64 Termination of funding.
99.65 Hearing procedures.
99.66 Hearing before Panel or a Hearing Officer.
99.67 Initial decision; final decision.

Source: 41 FR 24670, June 17, 1976, unless otherwise noted.

Authority: Sec. 438, Pub. L. 90-247, Title IV, as amended, 88 Stat. 571-574 (20 U.S.C. 1232g).

Subpart A – General

§ 99.1 Applicability of part.

(a) This part applies to all educational agencies or institutions to which funds are made available under any Federal [program for which the U.S. Commissioner of Education has administrative responsibility, as specified by law or by delegation of authority pursuant to law.]
(20 U.S.C. 1230, 1232g)

(b) This part does not apply to an educational agency or institution solely because students attending that nonmonetary agency or institution receive benefits under one or more of the Federal programs referenced in paragraph (a) of this section, if no funds under those programs are made available to the agency or institution itself.

(c) For the purposes of this part, funds will be considered to have been made available to an agency or institution when funds under one or more of the programs referenced in paragraph (a) of this section: (1) Are provided to the agency or institution by grant, contract, subgrant, or subcontract, or (2) are provided to students attending the agency or institution and the funds may be paid to the agency or institution by those students for educational purposes, such as under the Basic Educational Opportunity Grants Program and the Guaranteed Student Loan Program (Titles IV-A-1 and IV-B, respectively, of the Higher Education Act of 1965, as amended).
(20 U.S.C. 1232g)

(d) Except as otherwise specifically provided, this part applies to education records of students who are or have been in attendance at the educational agency or institution which maintains the records.
(20 U.S.C. 1232g)

§ 99.2 Purpose.

The purpose of this part is to set forth requirements governing the protection of privacy of parents and students under section 438 of the General Education Provisions Act, as amended.
(20 U.S.C. 1232g)

§ 99.3 Definitions.

As used in this Part:

"Act" means the General Education Provisions Act, Title IV of Pub. L. 90-247 as amended.

"Attendance" at an agency or institution includes, but is not limited to: (a) attendance in person and by correspondence, and (b) the period during which a person is working under a work study program.

"Commissioner" means the U.S. Commissioner of Education.
(20 U.S.C. 1232g)

"Directory information" includes the following information relating to a student: the student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student, and other similar information.
(20 U.S.C. 1232g(a)(5)(A))

"Disclosure" means permitting access or the release, transfer, or other communication of education records of the student or the personally identifiable information contained therein, orally or in writing, or by electronic means, or by any other means to any party.
(20 U.S.C. 1232g(b)(1))

"Educational institution" or "educational agency or institution" means any public or private agency or institution which is the recipient of funds under any Federal program referenced in § 99.1 (a). The term refers to the agency or institution recipient as a whole, including all of its components (such as schools or departments in a university) and shall not be read to refer to one or more of these components separate from that agency or institution.
(20 U.S.C. 1232g(a)(3))

"Education records" (a) means those records which: (1) Are directly related to a student, and (2) are maintained by an educational agency or institution or by a party acting for the agency or institution.

(b) The term does not include:

(1) Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which:

(i) Are in the sole possession of the maker thereof, and

(ii) Are not accessible or revealed to any other individual except a substitute. For the purpose of this definition, a "substitute" means an individual who performs on a temporary basis the duties of the individual who made the record, and does not refer to an individual who permanently succeeds the maker of the record in his or her position.

(2) Records of a law enforcement unit of an educational agency or institution which are:

(i) Maintained apart from the records described in paragraph (a) of this definition;

(ii) Maintained solely for law enforcement purposes, and

(iii) Not disclosed to individuals other than law enforcement officials of the same jurisdiction; *Provided,* That education records maintained by the educational agency or institution are not disclosed to the personnel of the law enforcement unit.

(3)(i) Records relating to an individual who is employed by an educational agency or institution which:

(A) Are made and maintained in the normal course of business;

(B) Relate exclusively to the individual in that individual's capacity as an employee, and

(C) Are not available for use for any other purpose.

(ii) This paragraph does not apply to records relating to an individual in attendance at the agency or institution who is employed as a result of his or her status as a student.

(4) Records relating to an eligible student which are:

(i) Created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity;

(ii) Created, maintained, or used only in connection with the provision of treatment to the student, and

(iii) Not disclosed to anyone other than individuals providing the treatment; *Provided,* That the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities which are part of the program of instruction at the educational agency or institution.

(5) Records of an educational agency or institution which contain only information relating to a person after that person was no longer a student at the educational agency or institution. An example would be information collected by an educational agency or institution pertaining to the accomplishments of its alumni.
(20 U.S.C. 1232g(a)(4))

"Eligible student" means a student who has attained eighteen years of age, or is attending an institution of postsecondary education.
(20 U.S.C. 1232g(d))

"Financial Aid", as used in § 99.31 (a)(4), means a payment of funds provided to an individual (or a payment in kind of tangible or intangible property to the individual) which is conditioned on the individual's attendance at an educational agency or institution.
(20 U.S.C. 1232g(b)(1)(D))

"Institution of postsecondary education" means an institution which provides education to students beyond the secondary school level; "secondary school level" means the educational level (not beyond grade 12) at which secondary education is provided, as determined under State law.
(20 U.S.C. 1232g(d))

"Panel" means the body which will adjudicate cases under procedures set forth in §§ 99.65-99.67.

"Parent" includes a parent, a guardian, or an individual acting as a parent of a student in the absence of a parent or guardian. An educational agency or institution may presume the parent has the authority to exercise the rights inherent in the Act unless the agency or institution has been provided with evidence that there is a State law or court order governing such matters as divorce, separation or custody, or a legally binding instrument which provides to the contrary.

"Party" means an individual, agency, institution or organization.
(20 U.S.C. 1232g(b)(4)(A))

"Personally identifiable" means that the data or information includes (a) the name of a student, the student's parent, or other family member, (b) the address of the student, (c) a personal identifier, such as the student's social security number or student number, (d) a list of personal characteristics which would make the student's identity easily traceable, or (e) other information which would make the student's identity easily traceable.
(20 U.S.C. 1232g)

"Record" means any information or data recorded in any medium, including, but not limited to: handwriting, print, tapes, film, microfilm, and microfiche.
(20 U.S.C. 1232g)

"Secretary" means the Secretary of the U.S. Department of Health, Education, and Welfare.
(20 U.S.C. 1232g)

"Student" (a) includes any individual with respect to whom an educational agency or institution maintains education records.

(b) The term does not include an individual who has not been in attendance at an educational agency or institution. A person who has applied for admission to, but has never been in attendance at a component unit of an institution of postsecondary education (such as the various colleges or schools which comprise a university), even if that individual is or has been in attendance at another component unit of that institution of postsecondary education, is not considered to be a student with respect to the component to which an application for admission has been made.
(20 U.S.C. 1232g(a)(5))

§ 99.4 Student rights.

(a) For the purposes of this part, whenever a student has attained eighteen years of age, or is attending an institution of postsecondary education, the rights accorded to and the consent required of the parent of the student shall thereafter only be accorded to and required of the eligible student.

(b) The status of an eligible student as a dependent of his or her parents for the purposes of § 99.31 (a)(8) does not otherwise affect the rights accorded to and the consent required of the eligible student by paragraph (a) of this section.
(20 U.S.C. 1232g(d))

(c) Section 438 of the Act and the regulations in this part shall not be construed to preclude educational agencies or institutions from according to students rights in addition to those accorded to parents of students.

§ 99.5 Formulation of institutional policiy and procedures.

(a) Each educational agency or institution shall, consistent with the minimum requirements of section 438 of the Act and this part, formulate and adopt a policy of–

(1) Informing parents of students or eligible students of their rights under § 99.6;

(2) Permitting parents of students or eligible students to inspect and review the education records of the student in accordance with § 99.11, including at least:

(i) A statement of the procedure to be followed by a parent or an eligible student who requests to inspect and review the education records of the student;

(ii) With an understanding that it may not deny access to an education record, a description of the circumstances in which the agency or institution feels it has a legitimate cause to deny a request for a copy of such records;

(iii) A schedule of fees for copies, and

(iv) A listing of the types and locations of education records maintained by the educational agency or institution and the titles and addresses of the officials responsible for those records;

(3) Not disclosing personally identifiable information from the education records of a student without the prior written consent of the parent of the student or the eligible student, except as otherwise permitted by §§ 99.31 and 99.37; the policy shall include, at least: (i) A statement of whether the educational agency or institution will disclose personally identifiable information from the education records of a student under § 99.31(a)(1) and, if so, a specification of the criteria for determining which parties are "school officials" and what the educational agency or institution considers to be a "legitimate educational interest", and (ii) a specification of the personally identifiable information to be designated as directory information under § 99.37;

(4) Maintaining the record of disclosures of personally identifiable information from the education records of a student required to be maintained by § 99.32, and permitting a parent or an eligible student to inspect that record;

(5) Providing a parent of the student or an eligible student with an opportunity to seek the correction of education records of the student through a request to amend the records or a hearing under Subpart C, and permitting the parent of a student or an eligible student to place a statement in the education records of the student as provided in § 99.21(c);

(b) The policy required to be adopted by paragraph (a) of this section shall be in writing and copies shall be made available upon request to parents of students and to eligible students.
(20 U.S.C. 1232g(e) and (f))

§ 99.6 Annual notification of rights.

(a) Each educational agency or institution shall give parents of students in attendance or eligible students in attendance at the agency or institution annual notice by such means as are reasonably likely to inform them of the following:

(1) Their rights under section 438 of the Act, the regulations in this part, and the policy adopted under § 99.5; the notice shall also inform parents of students or eligible students of the locations where copies of the policy may be obtained; and

(2) The right to file complaints under § 99.63 concerning alleged failures by the educational agency or institution to comply with the requirements of section 438 of the Act and this part.

(b) Agencies and institutions of elementary and secondary education shall provide for the need to effectively notify parents of students identified as having a primary or home language other than English.
(20 U.S.C. 1232g(e))

§ 99.7 Limitations on waivers.

(a) Subject to the limitations in this section and § 99.12, a parent of a student or a student may waive any of his or her rights under section 438 of the Act or this part. A waiver shall not be valid unless in writing and signed by the parent or student, as appropriate.

(b) An educational agency or institution may not require that a parent of a student or student waive his or her rights under section 438 of the Act or this part. This paragraph does not preclude an educational agency or institution from requesting such a waiver.

(c) An individual who is an applicant for admission to an institution of postsecondary education or is a student in attendance at an institution of postsecondary education may waive his or her right to inspect and review confidential letters and confidential statements of recommendation described in § 99.12(a)(3) except that the waiver may apply to confidential letters and statement only if: (1) The applicant or student is, upon request, notified of the names of all individuals providing the letters or statments; (2) the letters or statements are used only for the purpose for which they were originally intended, and (3) such waiver is not required by the agency or institution as a condition of admission to or receipt of any other service or benefit from the agency or institution.

(d) All waivers under paragraph (c) of this section must be executed by the individual, regardless of age, rather than by the parent of the individual.

(e) A waiver under this section may be made with respect to specified classes of: (1) Education records, and (2) persons or institutions.

(f)(1) A waiver under this section may be revoked with respect to any actions occurring after the revocation.

(2) A revocation under this paragraph must be in writing.

(3) If a parent of a student executes a waiver under this section, that waiver may be revoked by the student at any time after he or she becomes an eligible student.
(20 U.S.C. 1232g(a)(1)(B) and (C))

§ 99.8 Fees.

(a) An educational agency or institution may charge a fee for copies of education records which are made for the parents of students, students, and eligible students under section 438 of the Act and this part; *Provided,* That the fee does not effectively prevent the parents and students from exercising their right to inspect and review those records.

(b) An educational agency or institution may not charge a fee to search for or to retrieve the education records of a student.
(20 U.S.C. 1232g(a)(1))

Subpart B — Inspection and Review of Education Records

§ 99.11 Right to inspect and review education records.

(a) Each educational agency or institution, except as may be provided by § 99.12, shall permit the parent of a student or an eligible student who is or has been in attendance at the agency or institution, to inspect and review the education records of the student. The agency or institution shall comply with a request within a reasonable period of time, but in no case more than 45 days after the request has been made.

(b) The right to inspect and review education records under paragraph (a) of this section includes:

(1) The right to a response from the educational agency or institution to reasonable requests for explanations and interpretations of the records; and

(2) The right to obtain copies of the records from the educational agency or institution where failure of the agency or institution to provide the copies would effectively prevent a parent or eligible student from exercising the right to inspect and review the education records.

(c) An educational agency or institution may presume that either parent of the student has authority to inspect and review the education records of the student unless the agency or institution has been provided with evidence that there is a legally binding instrument, or a State law or court order governing such matters as divorce, separation or custody, which provides to the contrary.

§ 99.12 Limitations on right to inspect and review education records at the postsecondary level.

(a) An institution of postsecondary education is not required by section 438 of the Act or this part to permit a student to inspect and review the following records:

(1) Financial records and statements of their parents or any information contained therein;

(2) Confidential letters and confidential statements of recommendation which were placed in the education records of a student prior to January 1, 1975; *Provided,* That:

(i) The letters and statements were solicited with a written assurance of confidentiality, or sent and retained with a documented understanding of confidentiality, and

(ii) The letters and statements are used only for the purposes for which they were specifically intended;

(3) Confidential letters of recommendation and confidential statements of recommendation which were placed in the education records of the student after January 1, 1975:

(i) Respecting admission to an educational institution;

(ii) Respecting an application for employment, or

(iii) Respecting the receipt of an honor or honorary recognition; *Provided,* That the student has waived his or her right to inspect and review those letters and statements of recommendation under § 99.7(c).

(20 U.S.C. 1232g(a)(1)(B))

(b) If the education records of a student contain information on more than one student, the parent of the student or the eligible student may inspect and review or be informed of only the specific information which pertains to that student.

(20 U.S.C. 1232g(a)(1)(A))

§ 99.13 Limitation on destruction of education records.

An educational agency or institution is not precluded by section 438 of the Act or this part from destroying education records, subject to the following exceptions:

(a) The agency or institution may not destroy any education records if there is an outstanding request to inspect and review them under § 99.11;

(b) Explanations placed in the education record under § 99.21 shall be maintained as provided in § 99.21(d), and

(c) The record of access required under § 99.32 shall be maintained for as long as the education record to which it pertains is maintained.

(20 U.S.C. 1232g(f))

Subpart C — Amendment of Education Records

§ 99.20 Request to amend education records.

(a) The parent of a student or an eligible student who believes that information contained in the education records of the student is inaccurate or misleading or violates the privacy or other rights of the student may request that the educational agency or institution which maintains the records amend them.

(b) The educational agency or institution shall decide whether to amend the education records of the student in accordance with the request within a reasonable period of time of receipt of the request.

(c) If the educational agency or institution decides to refuse to amend the education records of the student in accordance with the request it shall so inform the parent of the student or the eligible student of the refusal, and advise the parent or the eligible student of the right to a hearing under § 99.21.

(20 U.S.C. 1232g(a)(2))

§ 99.21 Right to a hearing.

(a) An educational agency or institution shall, on request, provide an opportunity for a hearing in order to challenge the content of a student's education records to insure that information in the education records of the student is not inaccurate, misleading or otherwise in violation of the privacy or other rights of students. The hearing shall be conducted in accordance with § 99.22.

(b) If, as a result of the hearing, the educational agency or institution decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of students, it shall amend the education records of the student accordingly and so inform the parent of the student or the eligible student in writing.

(c) If, as a result of the hearing, the educational agency or institution decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of students, it shall inform the parent or eligible student of the right to place in the education records of the student a statement commenting upon the information in the education records and/or setting forth any reasons for disagreeing with the decision of the agency or institution.

(d) Any explanation placed in the education records of the student under paragraph (c) of this section shall:

(1) Be maintained by the educational agency or institution as part of the education records of the student as long as the record or contested portion thereof is maintained by the agency or institution, and

(2) If the education records of the student or the contested portion thereof is disclosed by the educational agency or institution to any party, the explanation shall also be disclosed to that party.

(20 U.S.C. 1232g(a)(2))

§ 99.22 Conduct of the hearing.

The hearing required to be held by § 99.21(a) shall be conducted according to procedures which shall include at least the following elements:

(a) The hearing shall be held within a reasonable period of time after the educational agency or institution has received the request, and the parent of the student or the eligible student shall be given notice of the date, place and time reasonably in advance of the hearing;

(b) The hearing may be conducted by any party, including an official of the educational agency or institution, who does not have a direct interest in the outcome of the hearing;

(c) The parent of the student or the eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised under § 99.21, and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney;

(d) The educational agency or institution shall make its decision in writing within a reasonable period of time after the conclusion of the hearing; and

(e) The decision of the agency or institution shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

(20 U.S.C. 1232g(a)(2))

Subpart D -- Disclosure of Personally Identifiable Information From Education Records

§ 99.30 Prior consent for disclosure required.

(a)(1) An educational agency or institution shall obtain the written consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of a student, other than directory information, except as provided in § 99.31.

(2) Consent is not required under this section where the disclosure is to (i) the parent of a student who is not an eligible student, or (ii) the student himself or herself.

(b) Whenever written consent is required, an educational agency or institution may presume that the parent of the student or the eligible student giving consent has the authority to do so unless the agency or institution has been provided with evidence that there is a legally binding instrument, or a State law or court order governing such matters as divorce, separation or custody, which provides to the contrary.

(c) The written consent required by paragraph (a) of this section must be signed and dated by the parent of the student or the eligible student giving the consent and shall include:

(1) A specification of the records to be disclosed,

(2) The purpose or purposes of the disclosure, and

(3) The party or class of parties to whom the disclosure may be made.

(d) When a disclosure is made pursuant to paragraph (a) of this section, the educational agency or institution shall, upon request, provide a copy of the record which is disclosed to the parent of the student or the eligible student, and to the student who is not an eligible student if so requested by the student's parents.

(20 U.S.C. 1232g(b)(1) and (b)(2)(A))

§ 99.31 Prior consent for disclosure not required.

(a) An educational agency or institution may disclose personally identifiable information from the education records of a student without the written consent of the parent of the student or the eligible student if the disclosure is--

(1) To other school officials, including teachers, within the educational institution or local educational agency who have been determined by the agency or institution to have legitimate educational interests;

(2) To officials of another school or school system in which the student seeks or intends to enroll, subject to the requirements set forth in § 99.34;

(3) Subject to the conditions set forth in § 99.35, to authorized representatives of:

(i) The Comptroller General of the United States,

(ii) The Secretary,

(iii) The Commissioner, the Director of the National Institute of Education, or the Assistant Secretary for Education, or

(iv) State educational authorities;

(4) In connection with financial aid for which a student has applied or which a student has received; *Provided*, That personally identifiable information from the education records of the student may be disclosed only as may be necessary for such purposes as:

(i) To determine the eligibility of the student for financial aid,

(ii) To determine the amount of the financial aid,

(iii) To determine the conditions which will be imposed regarding the financial aid, or

(iv) To enforce the terms or conditions of the financial aid;

(5) To State and local officials or authorities to whom information is specifically required to be reported or disclosed pursuant to State statute adopted prior to November 19, 1974. This subparagraph applies only to statutes which require that specific information be disclosed to State or local officials and does not apply to statutes which permit but do not require disclosure. Nothing in this paragraph shall prevent a State from further limiting the number or type of State or local officials to whom disclosures are made under this subparagraph;

(6) To organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction; *Provided,* That the studies are conducted in a manner which will not permit the personal identification of students and their parents by individuals other than representatives of the organization and the information will be destroyed when no longer needed for the purposes for which the study was conducted; the term "organizations" includes, but is not limited to, Federal, State and local agencies, and independent organizations;

(7) To accrediting organizations in order to carry out their accrediting functions;

(8) To parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954;

(9) To comply with a judicial order or lawfully issued subpoena; *Provided,* That the educational agency or institution makes a reasonable effort to notify the parent of the student or the eligible student of the order or subpoena in advance of compliance therewith; and

(10) To appropriate parties in a health or safety emergency subject to the conditions set forth in § 99.36.

(b) This section shall not be construed to require or preclude disclosure of any personally identifiable information from the education records of a student by an educational agency or institution to the parties set forth in paragraph (a) of this section.

(20 U.S.C. 1232g(b)(1))

§ 99.32 Record of request and disclosures required to be maintained.

(a) An educational agency or institution shall for each request for and each disclosure of personally identifiable information from the education records of a student, maintain a record kept with the education records of the student which indicates:

(1) The parties who have requested or obtained personally identifiable information from the education records of the student, and

(2) The legitimate interests these parties had in requesting or obtaining the information.

(b) Paragraph (a) of this section does not apply:

(i) to requests by or disclosure to a parent of a student or an eligible student;

(ii) to requests by or disclosures to school officials under § 99.31(a)(1);

(iii) if there is written consent of a parent of a student or an eligible student, or

(iv) to requests for or disclosure of directory information under § 99.37.

(c) The record of requests and disclosures may be inspected:

(1) By the parent of the student or the eligible student,

(2) By the school official and his or her assistants who are responsible for the custody of the records, and

(3) For the purpose of auditing the recordkeeping procedures of the educational agency or institution by the parties authorized in, and under the conditions set forth in § 99.31(a)(1) and (3).

(20 U.S.C. 1232g(b)(4)(A))

§ 99.33 Limitation on redisclosure.

(a) An educational agency or institution may disclose personally identifiable information from the education records of a student only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior written consent of the parent of the student or the eligible student, except that the personally identifiable information which is disclosed to an institution, agency or organization may be used by its officers, employees and agents, but only for the purposes for which the disclosure was made.

(b) Paragraph (a) of this section does not preclude an agency or institution from disclosing personally identifiable information under § 99.31 with the understanding that the information will be redisclosed to other parties under that section; *Provided,* That the recordkeeping requirements of § 99.32 are met with respect to each of those parties.

(c) An educational agency or institution shall, except for the disclosure of directory information under § 99.37, inform the party to whom a disclosure is made of the requirement set forth in paragraph (a) of this section.
(20 U.S.C. 1232g(b)(4)(B))

§ 99.34 Conditions for disclosure to officials of other schools and school systems.

(a) An educational agency or institution transferring the education records of a student pursuant to § 99.31(a)(2) shall:

(1) Make a reasonable attempt to notify the parent of the student or the eligible student of the transfer of the records at the last known address of the parent or eligible student, except:

(i) When the transfer of the records is initiated by the parent or eligible student at the sending agency or institution, or

(ii) When the agency or institution includes a notice in its policies and procedures formulated under § 99.5 that it forwards education records on request to a school in which a student seeks or intends to enroll; the agency or institution does not have to provide any further notice of the transfer;

(2) Provide the parent of the student or the eligible student, upon request, with a copy of the education records which have been transferred; and

(3) Provide the parent of the student or the eligible student, upon request, with an opportunity for a hearing under Subpart C of this part.

(b) If a student is enrolled in more than one school, or receives services from more than one school, the schools may disclose information from the education records of the student to each other without obtaining the written consent of the parent of the student or the eligible student; *Provided,* That the disclosure meets the requirements of paragraph (a) of this section.
(20 U.S.C. 1232g(b)(1)(B))

§ 99.35 Disclosure to certain Federal and State officials for Federal program purposes.

(a) Nothing in section 438 of the Act or this part shall preclude authorized representatives of officials listed in § 99.31(a)(3) from having access to student and other records which may be necessary in connection with the audit and evaluation of Federally supported education programs, or in connection with the enforcement of or compliance with the Federal legal requirements which relate to these programs.

(b) Except when the consent of the parent of a student or an eligible student has been obtained under § 99.30, or when the collection of personally identifiable information is specifically authorized by Federal law, any data collected by officials listed in § 99.31(a)(3) shall be protected in a manner which will not permit the personal identification of students and their parents by other than those officials, and personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, or enforcement of or compliance with Federal legal requirements.
20 U.S.C. 1232g(b)(3))

§ 99.36 Conditions for disclosure in health and safety emergencies.

(a) An educational agency or institution may disclose personally identifiable information from the education records of a student to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

(b) The factors to be taken into account in determining whether personally identifiable information from the educational records of a student may be disclosed under this section shall include the following:

(1) The seriousness of the threat to the health or safety of the student or other individuals;

(2) The need for the information to meet the emergency;

(3) Whether the parties to whom the information is disclosed are in a position to deal with the emergency; and

(4) The extent to which time is of the essence in dealing with the emergency.

(c) Paragraph (a) of this section shall be strictly construed.
(20 U.S.C. 1232g(b)(1)(I))

§ 99.37 Conditions for disclosure of directory information.

(a) An educational agency or institution may disclose personally identifiable information from the education records of a student who is in attendance at the institution or agency if that information has been designated as directory information (as defined in § 99.3) under paragraph (c) of this section.

(b) An educational agency or institution may disclose directory information from the education records of an individual who is no longer in attendance at the agency or institution without following the procedures under paragraph (c) of this section.

(c) An educational agency or institution which wishes to designate directory information shall give public notice of the following:

(1) The categories of personally identifiable information which the institution has designated as directory information;

(2) The right of the parent of the student or the eligible student to refuse to permit the designation of any or all of the categories of personally identifiable information with respect to that student as directory information; and

(3) The period of time within which the parent of the student or the eligible student must inform the agency or institution in writing that such personally identifiable information is not to be designated as directory information with respect to that student.

(20 U.S.C. 1232g(a)(5)(A) and (B))

Subpart E – Enforcement

§ 99.60 Office and review board.

(a) The Secretary is required to establish or designate an office and a review board under section 438(g) of the Act. The office will investigate, process, and review violations, and complaints which may be filed concerning alleged violations of the provisions of section 438 of the Act and the regulations in this part. The review board will adjudicate cases referred to it by the office under the procedures set forth in §§ 99.65-99.67.

(b) The following is the address of the office which has been designated under paragraph (a) of this section: The Family Educational Rights and Privacy Act Office (FERPA), Department of Health, Education, and Welfare, 330 Independence Ave. SW., Washington, D.C. 20201.

(20 U.S.C. 1232g(g))

§ 99.61 Conflict with State or local law.

An educational agency or institution which determines that it cannot comply with the requirements of section 438 of the Act or of this part because a State or local law conflicts with the provisions of section 438 of the Act or the regulations in this part shall so advise the office designated under § 99.60(b) within 45 days of any such determination, giving the text and legal citation of the conflicting law.

(20 U.S.C. 1232g(f))

§ 99.62 Reports and records.

Each educational agency or institution shall (a) submit reports in the form and containing such information as the Office of the Review Board may require to carry out their functions under this part, and (b) keep the records and afford access thereto as the Office or the Review Board may find necessary to assure the correctness of those reports and compliance with the provisions of sections 438 of the Act and this part.

(20 U.S.C. 1232g(f) and (g))

§ 99.63 Complaint procedure.

(a) Complaints regarding violations of rights accorded parents and eligible students by section 438 of the Act or the regulations in this part shall be submitted to the Office in writing.

(b)(1) The Office will notify each complainant and the educational agency or institution against which the violation has been alleged, in writing, that the complaint has been received.

(2) The notification to the agency or institution under paragraph (b)(1) of this section shall include the substance of the alleged violation and the agency or institution shall be given an opportunity to submit a written response.

(c)(1) The Office will investigate all timely complaints received to determine whether there has been a failure to comply with the provisions of section 438 of the Act or the regulations in this part, and may permit further written or oral submissions by both parties.

(2) Following its investigation the Office will provide written notification of its findings and the basis for such findings, to the complainant and the agency or institution involved.

(3) If the Office finds that there has been a failure to comply, it will include in its notification under paragraph (c)(2) of this section, the specific steps which must be taken by the agency or educational institution to bring the agency or institution into compliance. The notification shall also set forth a reasonable period of time, given all of the circumstances of the case, for the agency or institution to voluntarily comply.

(d) If the educational agency or institution does not come into compliance within the period of time set under paragraph (c)(3) of this section, the matter will be referred to the Review Board for a hearing under §§ 99.64–99.67, inclusive.
(20 U.S.C. 1232g(f))

§ 99.64 Termination of funding.

If the Secretary, after reasonable notice and opportunity for a hearing by the Review Board, (1) finds that an educational agency or institution has failed to comply with the provisions of section 438 of the Act, or the regulations in this part, and (2) determines that compliance cannot be secured by voluntary means, he shall issue a decision, in writing, that no funds under any of the Federal programs referenced in § 99.1(a) shall be made available to that educational agency or institution (or, at the Secretary's discretion, to the unit of the educational agency or institution affected by the failure to comply) until there is no longer any such failure to comply.
(20 U.S.C. 1232g(f))

§ 99.65 Hearing procedures.

(a) *Panels.* The Chairman of the Review Board shall designate Hearing Panels to conduct one or more hearings under § 99.64. Each Panel shall consist of not less than three members of the Review Board. The Review Board may, at its discretion, sit for any hearing or class of hearings. The Chairman of the Review Board shall designate himself or any other member of a Panel to serve as Chairman.

(b) *Procedural rules.* (1) With respect to hearings involving, in the opinion of the Panel, no dispute as to a material fact the resolution of which would be materially assisted by oral testimony, the Panel shall take appropriate steps to afford to each party to the proceeding an opportunity for presenting his case at the option of the Panel (i) in whole or in part in writing or (ii) in an informal conference before the Panel which shall afford each party: (A) Sufficient notice of the issues to be considered (where such notice has not previously been afforded); and (B) an opportunity to be represented by counsel.

(2) With respect to hearings involving a dispute as to a material fact the resolution of which would be materially assisted by oral testimony, the Panel shall afford each party an opportunity, which shall include, in addition to provisions required by subparagraph (1)(ii) of this paragraph, provisions designed to assure to each party the following:

(i) An opportunity for a record of the proceedings;

(ii) An opportunity to present witnesses on the party's behalf; and

(iii) An opportunity to cross-examine other witnesses either orally or through written interrogatories.
(20 U.S.C. 1232g(g))

§ 99.66 Hearing before Panel or a Hearing Officer.

A hearing pursuant to § 99.65(b)(2) shall be conducted, as determined by the Panel Chairman, either before the Panel or a hearing officer. The hearing officer may be (a) one of the members of the Panel or (b) a nonmember who is appointed as a hearing examiner under 5 U.S.C. 3105.
(20 U.S.C. 1232g(g))

§ 99.67 Initial decision; final decision.

(a) The Panel shall prepare an initial written decision, which shall include findings of fact and conclusions based thereon. When a hearing is conducted before a hearing officer alone, the hearing officer shall separately find and state the facts and conclusions which shall be incorporated in the initial decision prepared by the Panel.

(b) Copies of the initial decision shall be mailed promptly by the Panel to each party (or to the part's counsel), and to the Secretary with a notice affording the party an opportunity to submit written comments thereon to the Secretary within a specified reasonable time.

(c) The initial decision of the Panel transmitted to the Secretary shall become the final decision of the Secretary, unless, within 25 days after the expiration of the time for receipt of written comments, the Secretary advises the Review Board in writing of his determination to review the decision.

(d) In any case in which the Secretary modifies or reverses the initial decision of the Panel, he shall accompany that action with a written statement of the grounds for the modification or reversal, which shall promptly be filed with the Review Board.

(e) Review of any initial decision by the Secretary shall be based upon the decision, the written record, if any, of the Panel's proceedings, and written comments or oral arguments by the parties, or by their counsel, to the preceedings.

(f) No decision under this section shall become final until it is served upon the educational agency or institution involved or its attorney.
(20 U.S.C. 1232g(g))

SECTION V

STATE LAW

336.185 Definitions for ORS 336.185 to 336.215. For purposes of ORS 44.040 and 336.185 to 336.215, the following definitions will apply:

(1) "Student records" include all records relating to students maintained by any elementary or secondary school.
(2) "Student behavioral records" are student records which include psychological tests, personality evaluations, records of conversations, and any written transcript of incidents relating specifically to student behavior.
(3) "Student progress records" are student records which include transcripts of grades and courses taken, records of attendance, tests relating specifically to achievement or measurement of ability, and records of health.
(4) "Superintendent" means the highest ranking administrative officer in a school district or an educational institution, or in his absence, the person designated to fulfill his functions.
(5) "Board" means the board of directors of a school district or other educational institution. (1971 c 512 1)

336.190 (Repealed by 1955 c.290 1)

336.195 Student records confidential; rules for inspection or release:

(1) all student records maintained by a school or educational institution shall be confidential, and except as hereinafter provided shall be open for inspection only in accordance with such rules and regulations as the board shall adopt.
(2) The board shall establish rules and regulations to provide that all student records maintained by any elementary or secondary school in their district shall be available for inspection by any parent or legal guardian requesting to see such records; however, student behavioral records shall be released only in the presence of an individual qualified to explain or interpret the records.
(3) Release of student behavioral records for use in any proceedings, civil, or criminal, in any court of this state shall be made only by the superintendent or his designated representative, or with the consent of the student or juvenile so confiding or to whom such records relate, if the student is 21 years of age or over, or if the person is a minor, with the consent of his parent or legal guardian. Release shall be made only in the presence of an individual qualified to explain or interpret the records.
(4) Student progress records shall be available to all teaching staff, to parents or legal guardians, and upon request, to other agencies having a demonstrated interest in the student. (1971 c.512 2) – 336.200 (Repealed by 1955 c 290 1)

336.205 Certain student records not public records. Any category of student records specifically designated as confidential pursuant to ORS 336.195 shall not be deemed a public record for the purposes of ORS 192.005. (1971 c 512 5). 336.210 (Repealed by 1955 c.290 1)

336.215 Transfer of student records to other schools. Any school or educational institution may transfer without penalty to any other school or educational institution all student records relating to a particular individual provided that they have received notice of the student enrolling in said institution (1971 c.512 3).

44.040 Confidential communications. (1) There are particular relations in which it is the policy of the law to encourage confidence, and to preserve it inviolate: therefore a person cannot be examined as a witness in the following cases: (Items a through h do not apply to educational personnel)
(i) A certificated staff member of an elementary or secondary school shall not be examined in any civil action, suit, or proceeding, as to any conversation between the certificated staff member and a student which relates to the personal affairs of the student or his family, and which if disclosed would tend to damage or incriminate the student or his family. Any violation of the privilege provided by this section may result in the suspension of certification of the professional staff member as provided in ORS 342.175 to 342.185.

Oregon Law 1974

Student Records

581-22-258 Each local board shall adopt a policy which:

(1) Conforms to statutes for access to and dissemination of information in student records;

(2) Provides for maintaining permanent student records to include:

(a) Full name of student,

(b) Student birth date,

(c) Parents'/guardians' names,

(d) Date of entry into the school,

(e) Name of school previously attended,

(f) Subjects taken,

(g) Marks received and/or credits earned,

(h) Attendance,

(i) Date and reason for leaving school,

(j) Such additional information as the district may prescribe;

(3) Provides for the permanent record to be retained in a minimum one-hour fire-safe place in the school, the local district or intermediate education district office, or for keeping duplicate permanent records in a safe depository outside the building;

(4) Provides for transferring student progress records to another educational institution upon receipt of notice of enrollment; (5) Provides for transferring behavioral records to another educational institution only upon request of the student's parents, guardian, or the student if 18 or over.

APPENDIX

Sample Notice of Transfer and Rights to be Included With Registration Material to Parents:

This is to inform you that in the event we should receive notice that your child has enrolled in another school, we shall send the progress records to the new school within five days. The behavior records will be sent only upon your written request.

At any time prior to the transfer of the records, you may inspect the records. Your request to inspect progress records will be granted within 16 working hours of your request. More time will be required between a request to inspect the behavioral record and compliance therewith, but in no case will it exceed 45 days. The building principal will inform you of the specific arrangements regarding inspection.

Should you desire to challenge the accuracy or appropriateness of the record, a hearing will be arranged within 45 days of your request. The building principal will inform you of the specific arrangements for your hearing. Both informal and/or formal hearings may be requested. You have a right to enter a statement in the record regarding the record contents.

You may have a copy of any portion of the record should you desire. The actual cost of reproduction will be charged to you should you want a copy of the record. The cost this year is (insert the actual cost or less).

When your child reaches age 18 or is attending a post-secondary institution, the rights to inspect and challenge the records shall be accorded only to your child.

Request to Transfer Records From Present School

In the event we should move and you receive notice that my child has (or I have) enrolled in another educational institution, please transfer the _____ progress records, _____ behavioral records, _____ all educational records. I will inform you in writing should I desire a copy of the records. Should I want a copy of the behavioral record, I understand that I must be present in person to pick up a copy of the record, which may be released only in the presence of a person qualified to interpret it.

_____ _____

Signature Date

Request to Transfer Records From Last School

Please forward to _____ from

_____ all educational records, _____

the progress records, _____ the behavioral records of _____

_____ _____

Signature Date

Sample Notice to Accompany Records Transferred Out of State

To whom it may concern:

Please find enclosed a copy of the progress records you requested.

Oregon law requires that material which is behavioral in nature be treated separately from progress information. Oregon law requires that behavioral information be transferred only on request of the parent. Since the behavioral record also includes any material of a psychological nature, it is recommended that you secure a request for the behavioral records should it not be enclosed. The behavioral records is_____/is not _____included in this package.

Sincerely,

Principal

_____ School

_____School District

- - - -

Sample Letter to Third Party Requesting Information From Student Records

To whom it may concern:

Your request for information contained in the educational records of _____ cannot be granted without a specific request from the student's parents if he/she is under 18 years of age. The request must state specifically to whom the information is to be released, the purpose of the release, and which information is to be released. The request must be signed and dated.

This is necessary in order to comply with the portion of PL 93-380 known as the Protection of Rights and Privacy of Parents and Students.

Sincerely,

Principal

_____ School

_____ School District

SP-7

MINIMUM DUE PROCESS PROCEDURE AND HEARING
(OAR 581-15-025)

SENATE BILL 41: 1977 REGULAR SESSION
WHICH AFFECTS OAR 581-15-025.

Minimum Due Process Procedure and Hearing 581-15-025

(1) Definitions:

(a) "Parent": the term "parent" includes a natural mother or father, an adoptive mother or father, a legally appointed guardian or a surrogate parent for a child appointed pursuant to procedures set out herein. The term "parent" also includes the child if he has reached the age of majority;

(b) "Notification": terms such as "notice," "notify," and "notification" include:

(A) Written statements in English and in the primary language of the parent's home, and

(B) Oral communication in the primary language of the home;

(c) "Days": means calendar days;

(d) "Surrogate Parent": means a person appointed to act in place of parents or guardians when a child's parents or guardians are not known, are unavailable, or the child is a ward of the state. Surrogate parents shall not be employees of the state educational agency or a local educational agency involved in the education or care of children. The function of the surrogate parent shall be to represent the child's interest in the same way that a parent or guardian would be expected to represent the child's interest.

(2) Prior Notice:

(a) Whenever a change is proposed in a child's educational program or when a parent requests a different placement for a child, the administrative officer of the school district shall give the matter a complete review and notify the parent in advance of proposed action.

(b) If the parents or guardians are not known, unavailable, or the child is a ward of the State, the local educational agency shall assign an individual (not to be an employee of the State or local educational agency involved in the education or care of children) to act as a surrogate for the parents or guardians. In selecting surrogates, the local education agency should make a presumption in favor of relatives of the child. Further, persons selected as surrogates should:

(A) Have no other vested interest that would conflict with their primary allegiance to the child they represent,

(B) Be committed to personally and thoroughly acquaint themselves with the child and the child's educational needs,

(C) Be of the same racila, cultural and linguistic background of the children they represent,

(D) Be familiar with the educational system within the State.

(c) The written notice regarding a proposed change in a child's education program should:

(A) Describe in detail the proposed or requested action and the reasons why such action is deemed appropriate or inappropriate for the child,

(B) Specify any tests or reports upon which the proposed or requested action is based,

(C) State that school files, records and reports pertaining to the child will be available for inspection and copying at reasonable cost;

(D) Describe in detail the right to obtain a due process hearing if there are objections to the proposed or requested action, including a description of all the rights regarding procedures at such a hearing,

(E) State that the child will remain in the present educational placement until such time as there is a decision following the due process hearing or until a proposed educational placement is accepted by the parties. (In an emergency situation when the health and safety of the child or of other persons would be endangered by continuing the present placement, a change in placement may be made earlier by order of the hearing examiner).

(3) Procedures for the Hearing:

(a) Following a written notice and request by a parent for a hearing, delivered to the administrative officer of the school district within ten calendar days from the receipt of notice of placement, transfer, or denied placement, the local school board shall appoint an impartial hearing officer to preside at a hearing. The hearing officer shall provide to the parents and to the officials of the local educational agency notification as to the time and place of the hearing, which should be at a time and place reasonably convenient to the parties involved. If no request for a hearing is made within ten calendar days, the administrative officer of the school district shall make the placement, transfer, or deny placement in a special education program.

(b) The hearing shall be scheduled not sooner than fifteen calendar days nor later than forty-five calendar days after receipt of the request for hearing from the parent. These time limits may be waived or altered by mutual consent.

(c) The hearing shall be a closed hearing unless the parent requests an open hearing.

(d) The parent shall have the right to a representative of his own choosing, including legal counsel. The school district may also be represented by legal counsel.

(e) The decision of the hearing officer shall be based solely upon the evidence presented at the hearing.

(f) The administrative officers of the school district shall bear the burden of proof as to all facts and as to the appropriateness of any placement, denial of placement, or transfer.

(g) A tape recording or other record of the hearing shall be made. The record of the proceedings shall be available to the parent.

(h) At a reasonable time prior to the hearing, the parents or their counsel shall be given access to all school district and other public office records pertaining to the child, including any tests or reports upon which the proposed action may be based.

(i) At a reasonable time prior to the hearing, the parents or their counsel shall have an opportunity to obtain an independent educational evaluation of the child.

(j) The parents or their representative shall have the right to request the attendance of any official, employee or agent of the public school district who may possess evidence upon which the proposed action could be based.

(k) Full opportunity for examination and cross-examination shall be accorded to each party.

(l) Within thirty days after the hearing, the hearing officer shall render a decision in writing. Such decision shall include findings of fact and conclusions of law and shall be filed with the school district and a copy sent by certified mail to the parent.

(m) Decisions rendered in the impartial due process hearing required by Section 613(a)(13) of P.L. 93-380, Educational Handicapped Act, as amended, shall be binding on all parties subject only to appropriate administrative or judicial appeal.

(n) Pending a determination by the hearing officer, the school district shall take no action to place, to deny placement, or to transfer the child.

(o) Nothing contained herein shall be construed to preclude any system of consultations or conferences with parents that is used by school districts with regard to the educational assignment of children thought to be handicapped. Nor shall such consultations or conferences be held in lieu of the due process hearing if one is requested.

Independent Educational Evaluation

Parent right to evaluation at public expense. A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency. However, the public agency may initiate a hearing to show that its evaluation is appropriate. If the final decision is that the evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.

Parent initiated evaluations. If the parent obtains an independent evaluation at private expense, the results of the evaluation:

(1) Must be considered by the public agency in any decision made with respect to the provision of a free appropriate public education to the child, and

(2) May be presented as evidence at a hearing regarding that child.

Requests for evaluations by hearing officers. If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense.

Agency criteria. Whenever an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria which the public agency uses when it initiates an evaluation.

Enrolled

Senate Bill 41

Ordered printed by the President of the Senate in conformance with presession filing rules and indicates neither advocacy nor opposition on the part of the President (at the request of Task Force on Special Education)

CHAPTER ..... 530 .....

AN ACT

Relating to placement and evaluation of handicapped children in educational programs, and providing procedural safeguards; amending ORS 343.077.

Be It Enacted by the People of the State of Oregon:

Section 1. ORS 343.077 is amended to read:

343.077. (1) A child shall be considered for special education upon application by the parent, [*or*] legal guardian **or surrogate** of the child or by the school district. Upon appropriate evaluation the child may be found eligible for special education under a school district program approved under ORS 343.221. Such evaluation shall be made within a reasonable time.

(2) A child who is thought to be eligible and in need of special education by the school authorities or parents, [*or*] guardians **or surrogate of the child** shall neither be placed in, transferred from nor be denied placement in such a program unless the administrative officers of the school district shall have [*promptly*] **properly** notified **the parents,** [*or*] legal guardians **or surrogate of the child** of such proposed placement, transfer or denial[*, the reasons therefor, and of right to a hearing before the school board or its appointee if there is an objection to the placement, transfer or denial of placement.*] **and the right to due process. The proceedings shall be those for a contested case under ORS chapter 183 with the school district being the agency within the meaning of applicable provisions of ORS chapter 183. The notification must be in the parents', guardian's or surrogate's native language, unless it is clearly not feasible.**

(3) The parents, guardians or surrogate of the child shall be given an opportunity to examine all relevant records with respect to the identification, evaluation, and educational placement of the child and to obtain an independent educational evaluation of the child if the parents, guardian or surrogate disagrees with the evaluation obtained by the school district. If there is disagreement, before the second evaluation is commenced, the school district may initiate a hearing as a contested case under ORS chapter 183 to show that its evaluation is appropriate. If the final decision is that its evaluation is

appropriate, the parents, guardian or surrogate still has the right to an independent educational evaluation but not at the school district's expense. If, however, the district's evaluation is found inappropriate, the independent evaluation shall be conducted at the district's expense.

(4) The Department of Education shall establish by rule procedures to protect the rights of the child whenever the parents or guardians of the child are unknown or unavailable, or the child is a ward of the state. Whenever the parents of the child are unknown or unavailable or the child is a ward of the state, an individual, who is not an employe of the department or the educational unit involved in the education or care of the child, shall be appointed to act as a surrogate for the parents or guardian of the child. The Department of Education shall appoint the surrogate from a list of nominees submitted by the State Advisory Council for Handicapped Children, the Oregon Developmental Disabilities Council and the Commission for the Blind. However, if no lists are submitted the department shall appoint a suitable person as surrogate.

(5) Notwithstanding ORS 183.480, if the decision of the school board is appealed, the Superintendent of Public Instruction shall conduct an impartial review and render an independent decision on the record compiled at the hearing and shall enter a final order sustaining or reversing the decision of the school board.

(6) Any party aggrieved by the final order rendered under subsection (5) of this section shall have the right to bring it to review by the Court of Appeals pursuant to ORS 183.480.

(7) During any proceedings the child shall remain in the then current educational program placement, or if applying for initial admission to a public school, with consent of the parent, guardian or surrogate shall be placed in the public school program until all proceedings are completed. The school district and the parents, guardian or surrogate may agree otherwise than as provided in this subsection for the provision of appropriate educational services.

(8) Any decision of the school board relating to a child being placed in, transferred from or denied placement in a special education program is subject to appeal not more frequently than once each school year.

(9) Nothing in this section is intended to prevent the temporary exclusion of a pupil from the public schools if the condition or conduct of the pupil constitutes an imminent danger to the health or safety of the pupil or to others.

SCREENING (Informal Documentation)

INTRODUCTION

Within the Screening component are procedures which allow local schools to review the current functioning of students and to determine if a referral is required. The steps are based on the assumption that it is the individual school's responsibility to determine which children are not functioning adequately but not to independently decide which children are eligible to receive special educational services as defined by Federal and State Law and Regulations. An attempt has been made to formalize procedures which in the past have been informal.

In addition to the procedural steps the following support packages should be reviewed:

SP-8	Screening/Record Review Forms
SP-9	Physical Education Screening
SP-10	Training in Use of Screening Instrument and Procedures
SP-11	Purpose of Parent Interview; Procedures for Parent Interview
SP-12	Guidelines for Selecting Children for Referral
SP-13	Options for Programming Without Referral
SP-14	Referral Decisions; Sample Communication for Use With Parents (Form 4)

SP-8

SCREENING/RECORD REVIEW FORMS

DIRECTIONS

FORM 1 (ELEMENTARY)
FORM 1 (SECONDARY)

SCREENING AND RECORD REVIEW FORM (FORM 1)

Directions:

1. When teachers want to initiate a referral (Step 10) or are requested to (Step 11), they complete the checklist portion of the form and give it to the counselor or principal (whoever is coordinating referral within the building).

2. Whoever has the responsibility (Step 9) completes the record review.

3. The data is summarized by the counselor, principal and/or teacher (see Step 14).

4. A description of the student's current program objectives should be entered on the form by the teacher, counselor and/or principal.

5. The counselor, principal and teacher should agree to the strategies being followed within the school and enter them on the form. See SP-13, Options for Programming Without Referral.

6. If a referral is being made, the person responsible should describe the nature of the recommended service or assessment.

7. If a meeting is being held with the parents (Step 14) this instrument can be used as a worksheet from which to review the child's problems with the parents.

8. If a referral is being made the Screening and Record Review form should be attached to the Referral form.

9. If no referral is being made it should be placed in the child's behavioral records.

SCREENING/RECORD REVIEW
ELEMENTARY FORM

Student_____ Birthdate_____ Age_____ Sex_____ Grade_____

Teacher_____ School_____ District_____

Is the child currently receiving Special Education Services Yes ( ) No ( ) If Yes, describe_____

Teachers are requested to mark this screening inventory for each child who, in his/her opinion, appears to be functioning inadequately because of apparent exceptional mental, emotional, or physical condition(s).

Please check the statements which you think apply to this child. If the statement does not apply, do not mark it. If a specific descriptor applies to the child, underline it. Add descriptors if necessary.

Date_____

To be completed by teacher, principal, or counselor after the record review has been completed.

	The following problems exist		
	sometimes	often	always
COMMUNICATION PROBLEMS			
Expressive language (problems in syntax, grammar, limited vocabulary)	( )	( )	( )
Receptive language (comprehension, not following directions, poor concept development)	( )	( )	( )
Speech (poor enunciation, lisps, stutters, infantile speech, omits sounds from words, adds sound to words, substitutes sounds, unpleasant or odd voice)	( )	( )	( )
Other (describe)_____	( )	( )	( )
PHYSICAL PROBLEMS			
Physical defect (lame, paralysis, deformity)	( )	( )	( )
Erratic muscle movements	( )	( )	( )
Gross motor coordination (awkward, clumsy, poor balance)	( )	( )	( )
Fine motor coordination (eye-hand, manual dexterity)	( )	( )	( )
Visual (cannot see blackboard, squints, rubs eyes, holds book too close, eyes oscillate involuntarily, cross-eyed)	( )	( )	( )
Hearing (unable to discriminate sounds, asks to have instructions repeated, turns ear to speaker, strains to hear, often has earaches)	( )	( )	( )
Not toilet trained	( )	( )	( )
Unusually small (at least 20% less than class average)	( )	( )	( )
Unusually overweight (at least 20% more than class average)	( )	( )	( )
Other (describe, e.g., epilepsy, circulatory problems, dental problems, respiratory problems)	( )	( )	( )

DESCRIBE OR SUMMARIZE

COMMUNICATION PROBLEMS

PHYSICAL PROBLEMS

RECORD REVIEW FORM

DIRECTIONS: Please complete by reviewing all existing school records, including the health card. To be completed by designated procedures.

STANDARDIZED TEST INFORMATION (Last three years)

Test Name	Date Given	Grade and Age When Tested	Standard Score	G.E.	Percentile

COLLATERAL SCHOLASTIC INFORMATION

1) Record of Retention No ( ) Yes ( ), grades retained_____ year(s)_____

2) Record of Skipping (Skipping a Grade) No ( ) Yes ( ), grades placed_____ year(s)_____

CURRENT SERVICE INFORMATION

1) Speech Therapy No ( ) Yes ( ) If Yes, describe_____

2) Physical/Medical Program No ( ) Yes ( ) If Yes, describe_____

3) In Special Education No ( ) Yes ( ) If Yes, describe_____

REVIEW OF PHYSICAL HISTORY

1. Past Medical Problems: Yes ( ), specify_____
2. Current Medical Problems: Yes ( ), specify_____
3. Past Medications Administered: Yes ( ), specify_____
4. Current Medications Administered: Yes ( ), specify_____
5. Past Physical Disabilities: Yes ( ), specify_____
6. Current Physical Disabilities: Yes ( ), specify_____
7. Past Vision Problems: Yes ( ) Current Problems: No ( ) Yes ( )
8. Past Hearing Problems: Yes ( ) Current Problems: No ( ) Yes ( )
9. Past Speech Problems: Yes ( ) Current Problems: No ( ) Yes ( )
10. Past Perceptual Problems: Yes ( ) Current Problems: No ( ) Yes ( )
11. Coordination Problems: Fine Motor Yes ( ): specify_____
    Gross Motor Yes ( ): specify_____

CLASSROOM BEHAVIOR PROBLEMS	These problems occur in the classroom as often as: 15-25%	26-50%	Over 50%
Overly energetic, talks out, out of seat	( )	( )	( )
Very quiet, uncommunicative	( )	( )	( )
Acting Out (aggressive, hostile, rebellious, destructive)	( )	( )	( )
Cries easily, explosive	( )	( )	( )
Inattentive (short attention span, doesn't stick to task, fails to complete tasks	( )	( )	( )
Doesn't appear to notice what is happening in the immediate environment	( )	( )	( )
Poor peer relationships (few friends, rejected, ignored, abused by peers	( )	( )	( )
Other (describe)_____			
_____	( )	( )	( )

DESCRIBE OR SUMMARIZE

CLASSROOM BEHAVIOR PROBLEMS

ACADEMIC PROBLEMS	Performance is below average class level as often as: 15-25%	26-50%	Over 50%
Reading			
Word attack skills	( )	( )	( )
Reverses, substitutes	( )	( )	( )
Oral reading	( )	( )	( )
Silent reading	( )	( )	( )
Comprehension	( )	( )	( )
Other_____	( )	( )	( )
Writing (illegible, reverses letters, doesn't write)	( )	( )	( )
Mathematics			
Basic computation	( )	( )	( )
Concepts	( )	( )	( )
Set operations	( )	( )	( )
Verbal problems	( )	( )	( )
Other_____	( )	( )	( )
Spelling (cannot spell phonetically, omits or adds letters)	( )	( )	( )
Social Sciences, Sciences (doesn't handle concepts, doesn't understand relationships, poor understanding of cause and effect)	( )	( )	( )
Other (describe)_____			
_____	( )	( )	( )

ACADEMIC PROBLEMS

Date_____ _____
(Signature of person completing form)

To be completed by teacher, counselor or principal

Date:_____

DESCRIPTION OF CURRENT PROGRAM OBJECTIVES

If no referral is being made or while the referral is being processed, what is being done by the school to remediate the problem:

Nature of recommended referral:

SCREENING/RECORD REVIEW
SECONDARY FORM

Student_____ Birthdate_____ Age_____ Sex_____ Grade_____

Teacher_____ School_____ District_____

Is the child currently receiving Special Education Services: Yes ( ) No ( ) If Yes, describe_____

Teachers are requested to mark this screening inventory for each child who, in his/her opinion, appears to be functioning inadequately because of apparent exceptional mental, emotional, or physical condition(s).

Please check the statements which you think apply to this child. If the statement does not apply, do not mark it. If a specific descriptor applies to the child, underline it. Add descriptors if necessary.

Date_____

To be completed by teacher, principal, or counselor after the record review has been completed.

DESCRIBE OR SUMMARIZE

	The following problems exist: sometimes	often	always
COMMUNICATION PROBLEMS			
Expressive language (problems in syntax, grammar, limited vocabulary)	( )	( )	( )
Receptive language (comprehension, not following directions, poor concept development)	( )	( )	( )
Speech (poor enunciation, lisps, stutters, infantile speech, omits sounds from words, adds sound to words, substitutes sounds, unpleasant or odd voice)	( )	( )	( )
Other (describe)_____	( )	( )	( )
PHYSICAL PROBLEMS			
Physical Defect (lame, paralysis, deformity)	( )	( )	( )
Erratic muscle movements	( )	( )	( )
Gross motor coordination (awkward, clumsy, poor balance)	( )	( )	( )
Fine motor coordination (eye-hand, manual dexterity)	( )	( )	( )
Visual (cannot see blackboard, squints, rubs eyes, holds book too close, eyes oscillate involuntarily, cross-eyed)	( )	( )	( )
Hearing (unable to discriminate sounds, asks to have instructions repeated, turns ear to speaker, strains to hear, often has earaches)	( )	( )	( )
Lack of personal hygiene	( )	( )	( )
Unusually small (at least 20% less than class average)	( )	( )	( )
Unusually overweight (at least 20% more than class average)	( )	( )	( )
Other (describe, e.g., epilepsy, circulatory problems, dental problems, respiratory problems)	( )	( )	( )

COMMUNICATION PROBLEMS

PHYSICAL PROBLEMS

RECORD REVIEW FORM

DIRECTIONS: Please complete by reviewing all existing school records, including the health card. To be completed by designated procedures.

STANDARDIZED TEST INFORMATION (Last three years)

Test Name	Date Given	Grade and Age When Tested	Standard Score	G.E.	Percentile

COLLATERAL SCHOLASTIC INFORMATION

1) Record of Retention: No ( ) Yes ( ), grades retained_____ year(s)_____

2) Record of Skipping (Skipping a Grade): No ( ) Yes ( ), grades placed_____ year(s)_____

CURRENT SERVICE INFORMATION

1) Speech Therapy: No ( ) Yes ( ) If Yes, describe_____

2) Physical/Medical Program: No ( ) Yes ( ) If Yes, describe_____

3) In Special Education: No ( ) Yes ( ) If Yes, describe_____

REVIEW OF PHYSICAL HISTORY

1. Past Medical Problems: Yes ( ), specify_____
2. Current Medical Problems: Yes ( ), specify_____
3. Past Medications Administered: Yes ( ), specify_____
4. Current Medications Administered: Yes ( ), specify_____
5. Past Physical Disabilities: Yes ( ), specify_____
6. Current Physical Disabilities: Yes ( ), specify_____
7. Past Vision Problems: Yes ( ) Current Problems: No ( ) Yes ( )
8. Past Hearing Problems: Yes ( ) Current Problems: No ( ) Yes ( )
9. Past Speech Problems: Yes ( ) Current Problems: No ( ) Yes ( )
10. Past Perceptual Problems: Yes ( ) Current Problems: No ( ) Yes ( )
11. Coordination Problems: Fine Motor: Yes ( ): specify_____
    Gross Motor: Yes ( ): specify_____

CLASSROOM BEHAVIOR PROBLEMS	These problems occur in the classroom as often as: 15-25%	26-50%	Over 50%
Overly energetic, talks out, out of seat	( )	( )	( )
Very quiet, uncommunicative	( )	( )	( )
Acting out (aggressive, hostile, rebellious, destructive)	( )	( )	( )
Cries easily, explosive	( )	( )	( )
Inattentive (short attention span, doesn't stick to task, fails to complete tasks	( )	( )	( )
Doesn't appear to notice what is happening in the immediate environment	( )	( )	( )
Poor peer relationships (few friends, rejected, ignored, abused by peers)	( )	( )	( )
Not in attendance	( )	( )	( )
Other (describe)_____			
_____			
_____	( )	( )	( )

DESCRIBE OR SUMMARIZE

CLASSROOM BEHAVIOR PROBLEMS

ACADEMIC PROBLEMS	Performance is below average class level as often as: 15-25%	26-50%	Over 50%
Reading			
Decoding	( )	( )	( )
Comprehension	( )	( )	( )
Other_____	( )	( )	( )
Writing (illegible, reverses letters, doesn't write)	( )	( )	( )
Mathematics			
Basic computation	( )	( )	( )
Concepts	( )	( )	( )
Other_____	( )	( )	( )
Spelling (cannot spell phonetically, omits or adds letters)	( )	( )	( )
Social Sciences, Sciences (doesn't handle concepts, doesn't understand relationships, poor understanding of cause and effect)	( )	( )	( )
Other (describe)_____			
_____			
_____	( )	( )	( )

ACADEMIC PROBLEMS

Date_____ _____
(Signature of person completing form)

To be completed by teacher, counselor or principal

Date:_____

_____

DESCRIPTION OF CURRENT PROGRAM OBJECTIVES

_____

If no referral is being made or while the referral is being processed, what is being done by the school to remediate the problem:

_____

Nature of recommended referral:

_____

SP-9

PHYSICAL EDUCATION SCREENING

FORM 2: PHYSICAL EDUCATION MEDICAL REFERRAL

PHYSICAL EDUCATION SCREENING

Purpose

Screening is a process in which each teacher of physical education should participate. The purpose of screening is to identify through informal documentation those children who appear to be functioning inadequately. Communication problems, physical problems, classroom problems, and some academic problems can all be of concern to physical education (see Screening Instrument, Form 1). In some instances a handicapped child may be identified through physical education even though no identification has occurred in an academic setting.

Decision

It is the responsibility of the physical education teacher to identify students who are not functioning adequately. Some students may have difficulty learning or performing skills or even participating socially in games and sports because of physical, sensory, or mental impairment. Others may have difficulties with gross (running, jumping, climbing) or fine motor skills (grasping, lacing, stacking) without an apparent dificit in physical, sensory, or mental functioning.

Outcome

Identifying a student through use of the screening instrument does not automatically label the child as handicapped. It does indicate to the school administration that the student is having difficulties and may require special physical education services. Possible outcomes are:

--Referral of the student for multi-diagnostic testing.
--Request for medical recommendations from a physician (Form 2).
--Options for assistance from non-special education sources.

FORM 2

PHYSICAL EDUCATION MEDICAL REFERRAL FORM

Dear Dr._____:

According to our records you are the physician for the child named below. This student has been identified by our school as possibly needing a special physical education program. We offer a variety of physical education options, in accordance with Federal and State requirements, which are designed to meet a student's individual needs. By modifying existing activities and providing corrective or remedial activities, students need not be excluded from physical education. We request and would appreciate your assistance in helping us to develop an individualized education plan (IEP) for this student. Your diagnosis and recommendations can assist us to develop such a plan. If you have any inquiries, please direct them to:

John Williamson
Director of Special Education
Adams Junior High School

STUDENT INFORMATION

NAME_____ SCHOOL_____

HOME ADDRESS_____ City_____ State_____ Zip_____

HOME TELEPHONE ( )_____ Grade & Section_____

CONDITION

Brief description of condition

Condition is ☐ permanent ☐ temporary

Comments_____

_____

If Appropriate:
Comments about student's medication and its effect on participation in physical activities

_____

_____

Student may return to unrestricted activity_____, 19____

Student should return for reexamination_____, 19____

FUNCTIONAL CAPACITY

☐ Unrestricted - no restrictions relative to vigorousness or types of activities

☐ Restricted - condition is such that intensity and types of activities need to be limited (check one category below)

- ☐ Mild - ordinary physical activities need not be restricted but usually vigorous efforts need to be avoided.
- ☐ Moderate - ordinary physical activities need to be moderately restricted and sustained strenuous efforts avoided.
- ☐ Limited - ordinary physical activities need to be markedly restricted.

FORM 2

ACTIVITY RECOMMENDATIONS

Indicated body areas in which physical activities should be minimized, eliminated, or maximized.

	Maximized	Minimized	Eliminated	Both	Left	Right	Comments Including Any Medical Contraindications to Physical Activities
Neck							
Shoulder Girdle							
Arms							
Elbows							
Hands & Wrists							
Abdomen							
Back							
Pelvic Girdle							
Legs							
Knees							
Feet & Ankles							
Toes							
Fingers							
Other (specify)							

REMEDIAL

Condition is such that defects or deviations can be improved or prevented from becoming worse through use of carefully selected exercises and/or activities. The following are remedial exercises and/or activities recommended for this student. (Please be specific).

Signed _____ M.D.

Address _____

_____ Zip _____

Telephone ( ) _____

Date _____, 19_____

SP-10

TRAINING IN THE USE OF SCREENING
INSTRUMENT AND PROCEDURES

SCREENING PROCEDURES MEETING

The purpose of providing a screening instrument is to assist the teacher in identifying children who may need additional school support services because of special needs. The screening instrument is completed by the teacher for those children who appear to be functioning inadequately. A sample elementary and secondary form is provided. Screening instruments should be used in conducting the pre-referral conference and a copy attached to the referral form.

A one hour (maximum) staff meeting should be held in each school. At that time the district coordinator should:

--- Explain that the screening is not a test; it requires no response on the part of the student; it depends solely on teacher observation; parent approval is <u>not</u> required;

--- Familiarize all teachers with the form; read items with them;

--- Explain that they only complete instruments on children who appear as functioning inadequately;

--- Establish the time lines for screening;

--- Hand out to each teacher enough forms to screen 20% of the children in class; give 10 to each teacher and more on demand;

--- Also, at this meeting go over the record review form and procedures. Explain that a record review should accompany every checklist;

--- Explain that the screening instrument can be completed at any time and attached to the referral form;

--- Explain the process for referring a child.

SP-11

PURPOSE OF PARENT INTERVIEW

PROCEDURES FOR PARENT INTERVIEW

FORM 3: INITIAL PARENT INTERVIEW FORM

Purpose of Parent Interview

A parent interview can be conducted either during the screening procedure or at a parent conference (Step 17). If, as the screening progresses the school thinks it needs to have additional information, the parent interview might be helpful.

If the parent interview is to be conducted at the referral meeting, it will allow data to be collected from the parent and assist in structuring the parent input.

Procedures for Parent Interview

1. On the parent interview form specify the school concern.

2. Using the parent interview form, convey the contents of the introductory paragraph to the parent.

3. Read the questions on the interview form; record the answers.

4. If the school does not have progress records from a previous school, have parent respond to "Request for Transfer of Records" as suggested in guide for records. Parent notification is required.

5. If the parent informs you that confidential information (e.g., psychological or medical records) is available, indicate in item #10. Special services staff will be responsible for deciding whether this information is required to complete diagnostic services.

6. If there is concern about possible special physical education screening, obtain permission to send physican Physical Education Medical Referral Form (Form 2).

FORM 3

INITIAL PARENT INTERVIEW

Teacher _____

Interviewed by _____

Student _____ Date _____

Your child might need additional services from the school. Sometimes we are able to determine if your child needs this help or not by a review of his/her school records, whereas sometimes additional diagnostic testing is necessary. Right now we are looking at the school records. It would be helpful if you answered the following questions. If we find that additional testing is needed, we will include you in the decision and we must first obtain your permission.

At this time our concern is (specify) _____

_____

_____

1. What help do you think your child needs, if any.

2. How well does your child perform in the following subjects: (circle high, medium, low or leave blank if you don't know)

READING	H M L	MATH	H M L	SPELLING	H M L
WRITING	H M L	STUDY HABITS	H M L	PHYSICAL EDUCATION	H M L

3. Do you feel your child has any vision problems: ( ) No ( ) Yes, specify:

_____

4. Do you feel your child has any hearing problems: ( ) No ( ) Yes, specify:

_____

5. Do you feel your child has any speech problems: ( ) No ( ) Yes, specify:

_____

6. Do you feel your child has any medical problems that the staff should be aware of: ( ) No ( ) Yes, specify _____

7. Will the school be requested to give any medications: ( ) No ( ) Yes

8. Do you feel that your physician has information or medical records that would help in the development of an appropriate program: ( ) No ( ) Yes

9. Do you feel your child has any behavior problems: ( ) No ( ) Yes, specify:

_____

10. Are there any other records/information the school should have ( ) No ( ) Yes, Specify: _____

_____

SP-12

GUIDELINES FOR SELECTING CHILDREN FOR REFERRAL

Guidelines for Selecting Children for Referral

In deciding who is to be referred for assessment it is important for the school to consider if it has enough data to make the decision, if it can remediate the problem without referral (see SP-13 Options for Programming Without Referral), or that after screening the child, in fact, has no problem.

At times the principal or counselor will have enough data, to summarize the data and complete the referral without assistance from the teacher. But at times the school will want to include the teacher and others in a "pre-referral" meeting to insure that a referral for assessment is appropriate. Some decisions this group might make are:

- there is no problem
- more observational data is needed (to be processed back into an additional pre-referral meeting)
- the problem can be dealt with internally in the school with no additional assistance
- the child does not appear to qualify for special education under the Handicapped Child Law but needs remedial or tutorial assistance (assistance might be requested from such sources at Title I, or district reading personnel)
- referral might be needed for diagnostic testing
- referral might be needed for another service, e.g., medical evaluation

After the screening instrument and record review form have been completed some rules for selecting children must be applied to discriminate between those children who need further diagnostic testing and those who do not. Diagnostic testing is composed of physical, educational, and/or psychological assessment as needed.

1. A child not having academic difficulties should not be selected for further educational assessment except for the extremely withdrawn child, the extreme behavior problem child, though these types of children usually have accompanying academic difficulties. These children should be given a psychological assessment for the purpose of developing a prescriptive social program.

   An extreme problem is one that endures; either the child's records indicate that the problem has been present for a significant period of time or it is expected that the child's problem will persist. A standardized observation instrument might be used in such cases as a supplement to the record review especially if no additional information is available in the records. Use of the Walker Behavior Problem checklist is recommended.

   1.1 On the checklist an item marked as occurring "often" or "always" is considered a problem.

2. If standardized test information is included on the record review form, a child in grades 1 and 2 should be about 1.0 grade equivalent behind; in grades 3 thru 6, about 1.5 grade equivalent behind, at the secondary level 3 to 4 years behind in order to be eligible for further assessment.

3. When the school record review form offers no information on the child's academic standing but the screening instrument indicates the child is having academic problems then select the child for testing.

4. When an item relating to a medical or physical problem is checked for a child, the parents should be informed of a possible problem even if the child is not experiencing any academic difficulties. Often, however, parents will be aware of any medical complications. A brief check through the child's school records will indicate if the parents have attended to this matter in the past.

   When a child for whom a physical item is checked is not experiencing academic problems, the child should at least be referred to the school nurse. Whereas, if academic problems are present then referral for a comprehensive diagnostic testing is needed.

5. When no information other than the checklist is available on the child then either:

   5.1 Select for testing or
   5.2 Interview parent (see parent interview)

SP-13

OPTIONS FOR PROGRAMMING WITHOUT REFERRAL

OPTIONS FOR PROGRAMMING WITHOUT REFERRAL

The school may decide that the child will not be referred for diagnostic services, but if the teacher or other personnel has screened the child as having some difficulties a non special education intervention procedure might still be needed. Whatever form of programming is used with children it is extremely important that it be well coordinated with the child's regular program and that the regular classroom teacher maintain responsibility for the child's program. What follows is a listing of a few options. This listing is not complete and will vary with the resources available to the school or district.

1. Planning with the teacher: The principal or other support personnel (e.g., psychologists, counselors, resource teachers) may be able to provide assistance to the teacher in planning a remedial academic or behavior program within the classroom.

2. Transfer within the school: Another teacher within the school may have a program that would better meet the needs of the child. This may occur for the whole program or for certain academic areas.

3. Tutoring: The school may be able to use other students, volunteers, parents, or aides to provide tutorial support for students.

4. Remedial Reading/Math Programs: Many schools offer remedial teachers who are available to provide remedial programming and instruction. This is frequently available through Title I programs.

5. Special Materials: Special Instructional Materials are frequently available through the school or district Instructional Materials Center and through the building's resource personnel. If the problem is well defined, instructional materials can be easily matched.

6. Informal Skill Assessment: While a child may not have severe problems it is useful to know his/her specific strengths and weaknesses is basic skills. Many informal procedures are available for teacher use and typically represent a well sequenced series of specific skills a child needs to learn before progressing.

SP-14

REFERRAL DECISIONS

SAMPLE COMMUNICATION TO PARENTS (FORM 4)

REFERRAL DECISION

1.0 Purpose: As a result of the referral decision the parent will be informed of the nature of problems observed by the school, any relevant data that the parent might have will be collected, and the nature of the referral for assessment will be determined.

2.0 Decisions: The following decisions might be made:

2.1 How the problem is to be described to the agent(s) receiving the referral.
2.2 Whether more information is needed prior to making a referral decision.
2.3 Whether a referral is to be made, and if so to whom.
2.4 Temporary procedures to be provided by the regular education program that will be used while the referral is being processed.

4.0 Recommended Procedures to be Used to Arrive at Referral Decision:

4.1 Decide who should be contacted to discuss referral sources in addition to parents, teachers and administrators (e.g., district specialists, reading teachers, psychologists, etc.).
4.2 Contact parent(s) and invite them to attend a conference at a time and place convenient to them and school personnel.
NOTE: Parent involvement in a conference at this point is not required, but is highly recommended. Sample letters to parents are attached. The content of those letters may serve as an outline for telephone contact with the parent(s).
4.3 Screening/Record Review Form (Form 1) should be available during the conference.
4.4 The problem as defined on the summary form should be shared with the parent(s) and school personnel.
4.5 Using the parent interview form (if not previously completed), gather additional information on the child.
4.6 The school should present assessment referral sources that are available (e.g., pupil personnel, county assessment programs, etc., or county medical facilities, private physician).
4.7 The selected assessment referral choice and expected outcome of service should be indicated; outcomes might be: hearing assessment, educational assessment, placement in special program, etc.
4.8 Procedures that will be used to maintain the child in the regular programs should be indicated (e.g., peer tutoring, time out procedures, etc.).
4.9 The parent should give informed consent to continue with the referral.

FORM 4

SAMPLE COMMUNICATION TO PARENT
CONCERNING REFERRAL

Date_____

Dear_____

It has come to our attention that your child may not be receiving the full benefit of the schooling available to him/her. A review of your child's progress indicates that additional information may help us better evaluate his/her educational needs and hopefully plan the most appropriate educational program.

In order to collect additional information the following steps will be followed:

1. Appropriate tests and procedures will be selected and given by qualified personnel.
2. A description of assessment procedures will be provided to you and your permission will be obtained prior to any testing.
3. Results of all testing will be available to you for review and explanation.

It is important to understand that there will be no change in your child's educational placement without your knowledge and permission. If a change in placement or program is appropriate, you will be notified and invited to a meeting to help decide what that program will be.

If you would like to request a parent conference to discuss the progress of your child, please fill in the following and return as soon as possible.

I request a parent conference on _____ at _____.
(date) (time)

Sincerely,

_____
Signature

REFERRAL

INTRODUCTION

The Referral component outlines the steps which might be taken whenever a school district receives a request for evaluation/special services, whether it be on a student attending school or not attending school. A parent conference is recommended to inform the parents of the focus of concern. The earlier the school can get the parents involved in decision making, the less chance the parents and the school will disagree as to the ultimate program for the child.

In addition to the procedural steps the following support packages should be reviewed:

SP-15 Agency/Community Referral to School District (Form 5)
SP-16 Referral (Form 6)

SP-15

AGENCY/COMMUNITY REFERRAL TO
SCHOOL DISTRICT (FORM 5)

FORM 5

AGENCY/COMMUNITY REFERRAL TO SCHOOL DISTRICT

Person Referred (Full Name) _____ Birthdate _____

Parent/Guardian _____ Phone Number _____

Address _____ School _____

Check Reason for Referral:

COMMUNICATION

- ☐ Expressive
- ☐ Receptive
- ☐ Speech

PHYSICAL

- ☐ Physical Defect
- ☐ Motor Coordination
- ☐ Vision
- ☐ Hearing
- ☐ Other _____

BEHAVIORAL

- ☐ Classroom Behavior
- ☐ Peer Relationship
- ☐ Agressive
- ☐ Very Quiet, Uncommunicative
- ☐ Other _____

ACADEMIC

- ☐ Reading
- ☐ Writing
- ☐ Math
- ☐ Spelling
- ☐ Other _____

Status of Child

- ☐ Not receiving educational services
- ☐ Receiving educational services, but needing special education
- ☐ Receiving special education, but needing additional and/or different special education services

Does the parent know about this referral? ☐ Yes ☐ No

Description of referral problem _____

_____

Referring Agency _____ Address _____ Phone _____

Name of Person Making Referral _____ Signature _____ Date _____

Please return this form to Special Education Administrator

SP-16

REFERRAL FOR SERVICES (FORM 6)

FORM 6

REFERRAL FOR SERVICES

Referring Agent_____ Date_____

Child's Name_____ Date of Birth_____

School_____ Grade_____ Teacher_____

Please attach Form 1, Screening and Record Review Form and any other relevant data.

The following is suggested.

____ Academic Testing

____ Physical Education Assessment

____ Behavorial Assessment

____ Physical Examination

____ Vocational Assessment

____ Psychological Assessment

____ Other (specify)_____

____ Other (specify)_____

_____
Signature of Principal

_____

MULTI-DISCIPLINARY ASSESSMENT

INTRODUCTION

Within the multi-disciplinary assessment component are procedures from receiving the referral through the completion of assessment, summarizing the results and sharing them with parents. The manner in which the assessment is completed and reported has a great impact on the quality of the IEP which will be developed and the ease with which it will be developed. The assessment should include both the typical diagnostic (psycho-educational) testing required to declare eligibility and the more functional academic/behavioral testing which yields functional data on which to base objectives. To state the student is reading at a 4.7 grade level is not as useful as combining that with information such as "the student has difficulties with b/d discrimination; sound/symbol relationships and CVC words." Likewise, to say the child has an IQ of 51 is not as useful as giving the specific areas such as language, and self-help skills in which the child has difficulty. It is recommended that all persons completing assessments on the student report their results in terms of current level of educational functioning, recommended long-term objectives and recommended short-term objectives.

Children who have a speech impairment as their primary handicap may not need a complete battery of assessments (e.g., psychological, physical, or adaptive behavior). However, a qualified speech-language pathologist would (1) evaluate each speech impaired child using procedures that are appropriate for the diagnosis and appraisal of speech and language disorders, and (2) where necessary, make referrals for additional assessments needed to make an appropriate placement decision.

In addition to the procedural steps, the following support packages should be reviewed:

SP-17	Special Considerations for Diagnostic Testing
SP-18	Preschool Test Matrix, General Test Matrix, Physical Education Assessment Considerations and Taxonomy of the Psychomotor Domain
SP-19	When to Refer to Other Agencies (Form 7)
SP-20	Discussion Paper: Qualified Psychological Examiner Assessment Assignment Form (Form 8)
SP-21	Parent Approval for Diagnostic Testing (Form 9)
SP-22	Authorization for Exchange of Confidential Information (Form 10)
SP-23	Results of Individual Assessments (Form 11)
SP-24	Oregon Eligibility Criteria; Eligibility Report Form (Form 12)

SP-17

SPECIAL CONSIDERATIONS FOR DIAGNOSTIC TESTING

SPECIAL CONSIDERATIONS FOR DIAGNOSIS

1.0 Federal Requirements

2.0 State Requirements

3.0 General Considerations

1.0 Federal Requirements:

94-142 Proposed regulations (121a.432) require that state and local districts insure that as a minimum:

(a) Tests and other evaluation materials:

(1) Are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so;

(2) Have been validated for the specific purpose for which they are used;

(3) Are recommended by their producer for the specific purpose for which they are used; and

(4) Are administered by personnel who meet applicable certification or licensure requirements under State law.

(b) Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient:

(c) In test selection and administration, if a test is administered to a child with impaired sensory, manual or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the child's impaired sensory, manual or speaking skills (except where those skills are the factors which the test purports to measure);

(d) No one test or type of test or other means of evaluation is used as the sole criterion for placement;

(e) Information from sources other than ability or achievement tests including information concerning physical condition, sociocultural background, and adaptive behavior in home and school, is gathered and considered and the weight given to each of these sources is documented;

(f) The interpretation of the evaluation data and the subsequent determination of the child's educational placement are made by a team or group of persons knowledgeable about the child, the meaning of the evaluation results, the placement options, and the personnel available to provide special education and related services; and

(g) If the information derived either from ability and achievement tests or from other sources results in a showing that the child does not, because of a disability, need instruction in a special setting, the child is not placed outside the regular instructional setting.

2.0 State Requirements:

Oregon Administrative Rule 581-15-040 requires (in part) the following:

Diagnosis:

(a) It shall be the responsibility of the school district, after receiving written parental consent, to provide for the diagnosis of a child referred for special education. The diagnosis shall consider the physical, educational, and psychological needs of the child with primary emphasis directed toward factors of educational significance.

(b) Attention shall be given to the child's age, severity of the handicapping condition, extent of the educational problems and the type of instructional service most appropriate.

(c) A child whose primary language is other than English shall not be assigned to a special education program on the basis of criteria developed solely on the command of the English language.

3.0 General Considerations:

By the time children are selected for diagnostic testing, two major audiences have been made aware that they are to receive information. The first audience is the school administration who wants to know how many children with what kind of needs exist, so that appropriate programs can be developed. Often this may require extensive planning and development of resources. In any case this audience needs information that facilitates the planning and development of programs both immediate and long term.

The second audience is one comprised of parents and teachers who want to know what can be done for the children. How they should be taught, what curriculum is recommended, etc. This audience is usually not interested in how the child is labeled, or how best to plan for the overall needs of all the children in the district, but rather is interested in the specifics for implementing an intervention for its child or children.

The information desired by each audience is indeed different. Often, many testing centers or testing practices produce information that falls somewhere in between that which is needed by the two audiences.

Consequently, it is important when arrangements are made with testing resources, whether or not this resource is part of normal district service, the desired information needed from the testing effort is clearly specified. The following steps will aid in this specification.

1. Obtain the Oregon Administrative Rules (OARs) which specify the eligibility criteria for each handicap category (See SP-28).

2. Check the district policy manual on testing to see if specific tests, cutoff scores, supporting documentation are defined for the various categories.

3. If the district has not made an interpretation of the OARs then it will be necessary to work with the testing resource in conjunction with the State Department of Education specialist to establish the particular profile of information necessary and sufficient to confirm/disconfirm eligibility in the various funding categories.

4. Once steps 1, 2, and 3 are complete maintain a folder for each child tested which contains: the initial screening and record review information; parent permission form; date of testing; protocols of tests administered; interpretation of profile in terms of excess cost funding categories (category and status of confirmation); level of intervention probably required; method of delivery; and any additional tests recommended.

5. The information generated by steps 1-4 is appropriate for the district administrator's staff, but provides little practical information to the teacher.

   In fact the above information SHOULD NOT be sent to the teacher except, of course, the suggestion of method of delivery. The actual folders should be stored according to district policy on confidential records (See SP-15).

6. The information needed by the placement committee should be written by the testing resource on a separate sheet for each child. This information should be prepared on the assessment committee report form:

   6.1 Current level of educational functioning including weaknesses, strengths and areas in need of support interventions.

   6.2 Long Term Objectives or statements describing expected behavioral achievement during the current academic year according to the unique needs of the individual child based on appropriate instrumentation and observation.

   6.3 Short Term Objectives or specific measurable instructional strategies which are the intermediate steps to reaching the long term objectives.

6.4 Least Restrictive Placement or the placement that 1) best meets the program needs of the child and that 2) to the maximum extent possible allows for education with children who are not handicapped. 94-142 requires that the removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

6.5 Eligibility: that cost reimbursement category for which the child would be eligible under state regulations. This does not represent the placement of the child.

7. Discussing the above information with the parent - i.e. the skill deficits, suggested curriculum - usually requires talking about the optimal method of delivery, and eligibility for special services.

In such cases where the testing results indicate that the child could best be served through a special education program then district procedures for placement should be implemented.

SP-18

1. *PRESCHOOL TEST MATRIX

2. *GENERAL TEST MATRIX

3. PHYSICAL EDUCATION ASSESSMENT CONSIDERATIONS AND TAXONOMY OF THE PSYCHOMOTOR DOMAIN

NOTE: The Matrices represent a sample of available assessment instruments. Users are encouraged to explore additional references and sources.

Also, please refer to SP-24 for description of tests required to establish eligibility for Special Education in Oregon.

* Developed by:

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DECISION MATRIX: EXPLANATION

DECISION MATRIX
Explanation of Its Use

The decision matrix is included to help the test matrix user identify tests which are most appropriate to use with the child being considered for appraisal.

The matrix is developed to elicit from the test matrix user responses to questions and statements which might further clarify the assessment question being asked about the child to be appraised. All one needs to do is check or enter the requested information being asked about the child in the appropriate response box. The matrix, then, becomes a "planning form" which can aid the user by better identifying what he is looking for in the way of assessment devices for a particular child or group of children. For ease in moving from the decision matrix to the test matrix the decision matrix questions and statements are arranged to correspond in sequence to the descriptor dimensions found across the top of the test matrix.

Once the test matrix user has completed the decision matrix he can then compare his criteria to that which is offered on the test matrix iteself. It is expected that in some instances not all of the pre-identified criteria will be found in one device on the test matrix. In this case, the selection of that assessment device which most closely approximates your needs should be considered for use. If none of the devices given meet your criteria sufficiently then reference to other testing resources will be necessary.

It is suggested that for ease in using the decision matrix that the user may want to make multiple copies of the matrix to use as working copies for each child being considered for assessment.

DECISION MATRIX

DECISION MATRIX

Who do I want to administer the test?

Parent Administered	Teacher Administered	Diagnostician Administered

I want to administer the test to

- more than one child at a time
- one child at a time

Group Administered	
Individually Administered	

The age/grade level of the child I want to test is

Age/ Grade

How much time do I have or can I afford to take in giving the test?

Time Required (minutes

The child I want to test

- can give verbal responses
- cannot give verbal responses

Verbal Response	
Non-Verbal Response	

I want to use a test which compares

- the child to himself and his attainment of educational objectives
- the child to other children of the same age in the area(s) to be assessed

Criterion	
Normative	

The content area(s) I want to know regarding the child to be tested are

Auditory Reception	Motor Development	School Readiness
Visual Reception	Self Concept	Social Development
Language Development	Behavior	Concept Inventory
	Articulation	

I would like to identify whether the child has, or may have a potential for a handicapping condition

Screening

I would like to ascertain the child's relative strengths and weaknesses within the content areas being assessed

Diagnostic

I would like to determine the child's relative position (grade and/or age) as compared to other children within the basic academic core areas

Achievement

I need a test which was developed to assess one or more of the following classifications of handicapped children

Physically Handicapped	Visually Handicapped	Trainable Mentally Retarded
Hard of Hearing	Blind	Seriously Emotionally Disturbed
Deaf	Visual Perception	Seriously Maladjusted
Speech Impairment	Educable Mentally Retarded	Specific Learning Disabilities

Additional criteria I would like to consider in test selection

TEST MATRICES

PRESCHOOL TEST MATRIX

ASSESSMENT DEVICES	Parent	Teacher
1. ABC Inventory		
2. Adaptive Behavior Scale	X	
3. Adaptive Behavior Scale, Public School Version	X	
4. American School Reading Readiness Test		
5. Anton Brenner Developmental Gestalt Test of School Readiness		
6. Arizona Articulation Proficiency Scale: Revised	X	
7. Arthur Point Scale of Performance Test; Revised Form II		
8. Assessment of Children Language Comprehension		
9. Assessment Program of Early Learning Levels (Apell)		
10. Basic Concept Inventory (Field Research Edition)		
11. Basic School Skills Inventory		
12. Bayley Scale of Infant Development		
13. Behavior Rating Scale for the Preschool Child	X	
*14. Bender Motor Gestalt Test		
15. Boehm Test of Basic Concepts		
16. Burks Behavior Rating Scale	X	
17. Bzoch-League Receptive-Expressive Emergent Language Scale		
18. Cain-Levine Social Competency Scale		
19. California Preschool Social Competency Scale		
20. Camelot Behavioral Checklist		
21. Carolina Developmental Profile		
22. Carrow Elicited Language Inventory		
23. Cassel Developmental Record (CDR)		
24. CCD Developmental Progress Scale	X	
25. Child Behavior Rating Scale (CBRS)	X	
26. Children's Self Social Construct Test		
27. Cincinnati-Autonomy Test Battery (CATB)		
28. Circus		
**29. Columbia Mental Maturity Scale		
30. Communicative Evaluation Chart From Infancy to Five Years	X	
31. Comprehensive Identification Process (CIP)	X	
32. Contemporary School Readiness Test		
33. Cooperative Preschool Inventory	X	
34. Dailey Language Facility Test		
35. Denver Developmental Screening Test		

*Used to identify children with brain dysfunctions
**Intelligence measure

PRE-SCHOOL TEST MATRIX

DESCRIPTIVE DIMENSIONS

ADMINISTRATIVE						RESPONSE MODE		REFERENCE	
Self-Administered	Diagnosticians Administered	Group Administered	Individually Administered	AGE/GRADE	TIME REQUIRED (Minutes)	Verbal Response	Non-Verbal Response	Criterion	Normative
	X		X	3 yrs. 6 mos. - 6 yrs. 7 mos.	8 - 9 minutes	X	X		X
X		X	X	Children and Adults	15 - 20 minutes	X	X		X
X	X		X	Children and Adults	15 - 20 minutes	X	X		X
X	X	X		Pre-Readers	No time limit		X		X
	X		X	5 - 6 years	A few minutes	X			X
X	X		X	3 years to adult	20 - 30 minutes	X			X
	X		X	4 yrs. 6 mos. - 15 yrs. 6 mos.	Not reported		X		X
	X	X	X	3 - 7 years	10 - 15 minutes		X		X
X		X		4-1/2 - 7 years	2 days - 20 minutes/day		X	X	
X			X	Pre-school and Kindergarten	15 - 25 minutes	X	X	X	
X			X	4 - 7 years	Not applicable	X		X	X
	X		X	2 - 2-1/2 years	45 minutes	X	X		X
X	X		X	3 - 6 years	5 - 10 minutes		X		X
	X	X	X	5 - 10 years	3 - 15 minutes		X		X
X	X	X	X	Pre-school - Grade 3	15 - 20 minutes	X			X
X			X	Pre-school - Grade 8	10 minutes		X		X
X	X		X	Birth - 36 months	10 - 15 minutes		X		X
X	X		X	5 - 13 years	15 minutes		X		X
X			X	2-1/2 years - 5-1/2 years	Untimed		X		X
X			X	All ages	15 - 30 minutes		X	X	X
	X		X	2 - 5 years	Not reported	X	X	X	
	X		X	3 - 8 years	45 minutes	X			X
X	X		X	Birth - Death	Not reported		X	X	
X			X	Birth - 8 years	10 - 20 minutes	X			X
X			X	Kindergarten - Grade 3	5 - 10 minutes		X		X
	X		X	3 - 8 years	10 minutes		X		X
X	X		X	3 - 6 years	60 minutes		X		X
X		X		4 - 5 years	Not reported		X		X
	X		X	3-1/2 - 10 years	15 - 30 minutes		X		X
			X	Infancy - 5 years	No time limit		X		X
X	X		X	2-1/2 - 5-1/2 years	35 - 45 minutes	X			X
X		X		End of Kindergarten - Beginning Grade 1	105 min. over 2 sess.	X	X		X
X			X	3 - 6 years	15 minutes	X	X		X
X			X	Age 3 to Grade 12	10 - 15 minutes	X			X
X			X	6 weeks - 6.4 years	15 - 20 minutes		X		X

CONTENT										EMPHASIS			CATEGORY
Auditory Reception	Articulation	Behavior	Concept Inventory	Language Development	Motor Development	School Readiness	Self Concept	Social Development	Visual Reception	Screening	Diagnostic	Achievement	
					X	X				X			Immature Children
		X		X			X	X			X		Mentally Retarded
		X		X			X	X			X		Mentally Retarded
				X						X			Culturally Deprived
						X				X			Culturally Deprived
	X									X			
					X	X			X			X	**Deaf, Reading Disabilities**
X				X		X					X		**Language Disabilities**
				X		X			X	X	X		
			X	X						X	X		**Most Handicaps**
		X	X	X		X		X		X			All/Minority Groups
X		X			X			X	X	X			Infant Development
		X								X			Emotionally Disturbed
										X	X		All/Perceptual Difficulties
			X			X					X	X	
		X				X		X		X			**Suspected Brain Dysfunctions**
X				X							X		**Developmentally Disabled**
		X						X		X			**Treatable Mentally Retarded**
		X				X		X			X		
		X						X		X			**Mentally Retarded**
		X			X	X		X		X		X	Developmental Lags
	X			X						X	X		Most Handicaps
		X	X			X		X				X	
		X			X	X		X		X			Developmental Lags
		X					X	X		X			
		X					X	X		X			
						X		X		X			
X	X			X	X	X			X	X	X		
										X			**Most Handicaps**
X				X	X	X			X	X			
X	X			X	X	X		X	X	X			Developmental/Sensory Deficits
X				X		X				X			
X				X	X	X			X	X	X		Disadvantaged Children
	X			X		X				X	X	X	Language Disabilities
				X	X			X		X			Normal

ASSESSMENT DEVICES	Parent	Teacher Administered	Diagnostician Administered	Group Administered	Individually
36. Detroit Tests of Learning Aptitude		X	X		
37. Developmental Guidelines	X	X	X		
38. Developmental Key for Assessing Children's Growth		X			
39. Developmental Profile	X	X	X		
40. Developmental Screening Inventory	X				
41. Developmental Test of Visual-Motor Integration		X		X	
42. Developmental Test of Visual Perception			X	X	
43. Early Childhood Education for Handicapped Children: Birth-Three Year Scale	X				
44. EMI Assessment Scale		X	X		
45. Environmental Language Inventory			X		
46. Fairview Behavior Evaluation Battery for the Mentally Retarded	X	X	X		
47. First Grade Screening Test		X		X	
48. Gessel Developmental Kit			X		
49. Goldman-Fristoe Test of Articulation		X	X		
50. Goldman-Fristoe-Woodcock Auditory Skills Test Battery		X			
51. Goodenough-Harris Drawing Test			X	X	
52. Hiskey-Nebraska Test of Learning Aptitude			X		
53. Home Parent Child Stimulation: Manual 1			X		
54. Houston Test for Language Development			X		
55. Illinois Test of Psycholinguistic Abilities		X	X		
56. Infant Behavior Inventory		X			
**57. Infant Intelligence Scale (Cattell)			X		
58. Inter-American Services: Test of General Ability		X		X	
59. Inventory of Readiness Skills		X	X		
**60. Kahn Intelligence Test			X		
+61. Key Math Diagnostic Arithmetic Test		X	X		
62. Kindergarten Auditory Screening Test		X	X	X	
63. Kindergarten Evaluation of Learning Potential		X	X	X	
64. Language and Learning Disorders of the Pre-Academic Child			X		
65. Lakeland Village Adaptive Behavior Grid		X	X		
66. Learning Accomplishment Profile (LAP)	X	X			
67. Learning Accomplishment Profile (LAP-D) Diagnostician Edition		X			
**68. Leiter International Performance Scale			X		
69. Lexington Developmental Scale	X	X			
70. McCarthy Scale of Children's Abilities			X		

**Intelligence measure
+Arithmetic measure

PRE-SCHOOL TEST MATRIX

DESCRIPTIVE DIMENSIONS

ADMINISTRATIVE			RESPONSE MODE		REFERENCE					
Administered	AGE/GRADE	TIME REQUIRED (Minutes)	Verbal Response	Non-Verbal Response	Criterion	Normative	Auditory Reception	Articulation	Behavior	Concept
X	3 years to adult	60 - 90 minutes	X	X		X	X			
X	36 months to 72 months	Not given		X	X					
X	Preschool to First Grade	10 - 15 minutes		X	X				X	
X	6 months - 12 years	30 - 40 minutes		X		X				
X	1 year to 18 months	5 - 30 minutes		X		X				
X	**2 years - 15 years**	**10 - minutes**		X		X				
X	**3 years - 8 years**	**45 - 60 minutes**		X		X				
X	**0 - 36 months**	**Varied**	X	X		X				
X	**1 month - 2 years**	**30 - 45 minutes**	X	X	X					
X	**2 years - 6 years**	**20 - 30 minutes**	X		X					
X	Birth - 10 years	15 min. per checklist		X		X			X	
	End of K - First of 1st grade	30 - 45 minnutes	X			X			X	
X	5 to 10 years	30 minutes	X			X	X			
X	Preschool and Over	10 - 15 minutes	X			X		X		
X	3 to 8 years and above	10 - 15 minutes	X			X	X			
X	**3 to 15 years**	**10 - 15 minutes**		X		X			X	
X	**3 to 16 years**	**45 - 60 minutes**	X	X		X				
X	**0 to 6 years**	**30 - 60 minutes**	X	X	X				X	
X	**6 months - 6 years**	**30 minutes**	X			X				
X	**2 years - 10 years**	**45 - 60 minutes**	X	X		X	X			
X	1 year - 3 years	15 - 30 minutes	X	X	X				X	
X	3 months - 30 months	20 - 40 minutes	X	X	X					
X	4 and 5 year olds	40 - 50 minutes	X			X				
X	Preschool, K, 1st grade	20 minutes	X			X	X	X		
X	One month and over	Not reported	X			X				
X	**Preschool - 6th grade**	**30 minutes**	X	X		X				
	Kindergarten	**20 minutes**					X			
	Kindergarten						X			
X	**Birth - 6 years**	**60 - 90 minutes**	X			X	X			
X	**3 months - 16 years**	**Varied**	X	X	X				X	
X	0 - 6 years	Not timed	X	X		X			X	
X	0 - 6 years	60 minutes	X	X		X			X	
X	2 years - Adult	Not timed		X		X				
X	0 - 6 years	30 minutes a setting	X	X		X				
X	2-1/2 to 8-1/2 years	45 - 60 minutes	X			X				

CONTENT							EMPHASIS			CATEGORY
Concept Inventory	Language Development	Motor Development	School Readiness	Self Concept	Social Development	Visual Reception	Screening	Diagnostic	Achievement	
	X		X		X	X	X			All Handicapped
	X	X			X		X			Suspected Developmental Lags
	X	X	X		X		X			
	X	X	X		X		X			All/Minority Groups
	X	X	X	X	X		X			Normal
		X	X			X	X	X		**Mentally Retarded/L.D.**
		X	X			X	X			**Learning Disabilities**
	X	X			X		X	X		**Language Disabilities**
	X	X			X			X		
	X		X					X		**Severely Handicapped**
	X		X		X		X			Mentally Retarded
	X	X	X		X		X			
	X	X	X		X	X	X			Suspected Developmental Lags
								X		All Handicapped
							X			L.D., Speech and Hearing
		X	X	X			X			
	X	X	X			X	X			**Deaf and Hard of Hearing**
	X	X	X		X				X	**All Handicapped**
	X						X			**Language Handicapped**
	X	X	X			X		X		**M.R., Learning Disabilities**
	X	X	X	X	X		X			
							X			All Infants
	X						X			All/Spanish Speaking
	X	X		X		X		X		
								X		Verbally or Culturally Handicapped
								X		**Arithmetic Problems**
							X			**Suspected Auditory Difficulties**
	X				X	X			X	
	X	X	X		X		X	X	X	**Most Handicapped**
	X	X			X			X		**Institutional Population**
	X	X	X		X		X			Developmental Lags
	X	X	X		X				X	Developmental Lags
								X		Verbally Handicapped
	X	X		X	X		X			Developmental Lags
	X	X				X			X	

ASSESSMENT DEVICES	Parent	Teacher Administered
71. A Manual for the Assessment of a "Deaf-Blind" Multiply Handicapped Child		X
72. Maturity Level for School Entrance and Reading Readiness		X
73. Maxfield-Bucholz Scale of Social Maturity with Pre-School	X	X
74. Meeting Street School Screening Test		X
75. Memphis Comprehensive Developmental Scale	X	X
76. Metropolitan Readiness Test		X
**77. Minnesota Preschool Scale (MPS)		X
78. Missouri Children's Picture Series (MCPS)		X
++79. Motor Free Visual Perception Test	X	X
80. Move-Grow-Learn (Movement Skills Survey)		X
81. Osteretsky Test of Motor Proficiency		
82. Peabody Individual Achievement Test		X
83. Peabody Picture Vocabulary Test		X
84. Performance Goals Record		X
85. Picture Story Language Test		
86. Piers-Harris Children's Self Concept Scale		X
87. Portage Project	X	X
88. Preliminary Profile		X
89. Pre-School Attainment Record, Resarch Edition	X	X
90. Pre-School Screening Survey		X
91. Pre-School Language Scale		
92. Primary Academic Sentiment Scale	X	X
93. Primary Self Concept Inventory	X	X
94. Pupil Record of Education Behavior (PREB)		X
95. Purdue Perceptual Motor Survey		X
96. Progress Assessment Charts of Social Development, Form I (3rd Ed), Form II (2nd Ed)	X	X
97. Psychoeducational Education of the Pre-School Child		X
98. Rapid Developmental Screening Checklist	X	X
99. Riley Pre-School Developmental Screening Inventory		X
100. Ring and Peg Tests of Behavioral Development, Revised Edition	X	X
101. School Readiness Checklist - Ready or Not?	X	
102. School Readiness Survey	X	
103. SRA Primary Mental Abilities Test (K-1)		X
104. Screening Test for Academic Readiness	X	X
105. Screening Test for Auditory Comprehension of Language		

**Intelligence measure
++Personality test

PRE-SCHOOL TEST MATRIX

DESCRIPTIVE DIMENSIONS

ADMINISTRATIVE					RESPONSE MODE		REFERENCE			
Self-Administered	Group Administered	Individually Administered	AGE/GRADE	TIME REQUIRED (Minutes)	Verbal Response	Non-Verbal Response	Criterion	Normative	Auditory Reception	Articulation
		X	Early childhood	15 - 30 minutes		X	X			
		X	Kindergarten and Grade 1	15 minutes	X	X		X	X	
		X	0 - 6 years	60 minutes		X		X		
X		X	5 - 7-1/2 years	15 - 20 minutes	X			X		
X		X	3 months - 5 years	Untimed		X		X		
	X		Kindergarten and Grade 1	60 min. in 5 sessions		X				
		X	1-1/2 to 6 years	30 minutes	X			X		
	X	X	5 - 16 years	15 minutes		X		X		
X		X	5 - 8 years	10 minutes		X		X		
X		X	Preschool to Grade 3	Varied		X	X			
X		X	4 to 16 years	20 - 30 minutes		X		X		
X		X	Kindergarten - Grade 12	100 minutes	X	X		X		
X	X	X	2-1/2 to 18 years	15 minutes	X	X		X		
		X	Not specified	Varied	X	X	X			
X	X	X	7 and older	20 - 30 minutes		X		X		
	X	X	Grades 3 to 12	15 - 20 minutes	X			X		
		X	Birth - 5 years	Not timed	X		X			
		X	Pre Nursery - Kindergarten	15 minutes		X		X		
		X	Preschool - Grade 3	30 minutes	X			X		
		X	3 - 6 years	30 minutes	X			X		
X		X	2 - 6 years	30 minutes	X	X		X	X	X
	X		4.4 - 7.3 years	50 minutes		X		X		
		X	Kindergarten - Grade 4	15 - 30 minutes		X		X		
		X	Preschool - Upper primary	30 minutes - 2 hours	X	X	X		X	
X		X	6 - 10 years	60 minutes		X		X		
X		X	No age limit	10 - 20 minutes		X		X		
		X	Preschool	Varied		X	X			
		X	1 month - 5 years	10 - 15 minutes		X		X		
		X	3 - 5 years	3 - 10 minutes		X		X		
X		X	0 - 6 years	20 - 50 minutes		X		X		
		X	Preschool	No time limit		X		X		
		X	4 - 6 years	20 - 30 minutes	X	X		X		
	X	X	Kindergarten - Grade 1	60 - 75 minutes		X		X	X	
	X		4 years to 6 years 5 months	60 minutes		X		X		
X	X		3 years to 7 years	5 - 30 minutes		X		X	X	

CONTENT								EMPHASIS			CATEGORY
Behavior	Concept Inventory	Language Development	Motor Development	School Readiness	Self Concept	Social Development	Visual Reception	Screening	Diagnostic	Achievement	
		X	X			X		X			Blind/Deaf
		X	X	X		X	X	X			Developmental Lags
		X	X			X		X			Blind Children
		X	X				X	X			
		X	X			X		X			
				X				X			
									X		
								X			**All Handicapped**
							X	X	X		**Most Handicapped**
		X	X		X			X			
			X					X			Suspected Motor Problems
										X	
		X							X		Most Handicapped
X						X				X	All Handicapped
		X							X		Language Disability
					X			X	X		
		X	X			X			X		**All Handicapped**
X		X		X		X		X			
		X	X					X			**All Handicapped**
		X	X	X			X	X			
		X		X				X			Language Disabilities
X								X			All/Educationally Disadvantaged
					X			X	X		All/Spanish Speaking
		X	X				X		X		All/Spanish Speaking
			X		X			X			All/Learning Disabled
		X				X		X			**Trainable Mentally Retarded**
		X	X	X			X		X		**Difficult to Test Children**
X		X	X	X		X		X			
X				X		X		X			**Disadvantaged Children**
X		X	X			X			X		
X		X	X	X		X	X		X		
		X		X				X			
		X		X				X	X	X	
		X	X	X				X			
		X						X			M.R., H.H., Language Disabilities

ASSESSMENT DEVICES	Parent	Teacher Administered
106. Screening Test for the Assignment of Remedial Treatments	X	X
107. Sequenced Inventory of Communication Developments		
**108. Slosson Intelligence Test for Children and Adults		X
109. Southern California Figure Ground Visual Perception Test	X	X
110. Sprigle School Readiness Screening Test		
111. Stanford Early School Achievement Test: Level 1		X
112. TARC Assessment System	X	X
113. Templin-Darley Test of Articulation		
114. Test for Auditory Comprehension of Language		X
115. Test of Basic Experiences (Language Subtest)		X
116. Thomas Self Concept Values Test (Experimental Form)		X
117. T.M.R. Performance Profile		X
**118. Vane Kindergarten Test (VKT)		
119. Valett Developmental Survey of Basic Learning Abilities		X
120. Verbal Language Development Scale		X
121. Vineland Social Maturity Scale	X	X
122. Walker Problem Behavior Identification Checklist (WPBIC)		X
123. Wepman Auditory Discrimination Test		
124. Wide Range Achievement Test (WRAT)		X
125. Winterhaven Perceptual Forms Test (Perceptual Motor Test)	X	X
126. Yellow Brick Road		X
127. YEMR Performance Profile for the Young Moderately and Mildly Retarded		X

PRE-SCHOOL TEST MATRIX

DESCRIPTIVE DIMENSIONS

ADMINISTRATIVE					RESPONSE MODE		REFERENCE			
[illegible] Administered	Group Administered	Individually Administered	AGE/GRADE	TIME REQUIRED (Minutes)	Verbal Response	Non-Verbal Response	Criterion	Normative	Auditory Reception	Articulation
	X		4 yrs. 6 mos. to 6 yrs. 5 mos.	60 minutes	X		X	X	X	
X		X	4 months to 48 months	30 - 60 minutes	X	X		X		X
X		X	One month to Adult	10 - 30 minutes	X			X		
		X	4 years - 10 years	5 - 20 minutes		X		X		
X		X	4 yrs. 6 mos. to 6 yrs. 9 mos.	12 minutes	X	X		X		
X	X		Pre Kindergarten to End of Kindergarten	90 minutes	X	X		X	X	
	X	X	3 years - 6 years	15 - 30 minutes		X		X		
X	X	X	Preschool and over	20 - 40 minutes	X			X		X
X		X	3 years through 7 years	20 minutes		X		X	X	
X	X		Pre Kindergarten - Grade 1	25 minutes	X	X		X		
		X	Preschool - Grade 5	10 - 20 minutes	X			X		
		X	Trainable Mentally Retarded	30 minutes		X	X			
X	X	X	4 years - 6 years 11 months	30 minutes	X			X		
X		X	2 years - 7 years	Varied	X			X	X	
X		X	Preschool - 15 years	30 minutes		X		X		
X		X	Birth - Maturity	20 - 30 minutes	X			X		
X		X	4 years - 6 years	2 - 5 minutes		X		X		
X		X	5 years - 8 years	10 - 15 minutes	X	X		X	X	
X		X	5 years - Adult	15 - 30 minutes	X			X		
	X	X	4 years - 9 years	3 - 4 minutes		X	X			
	X	X	5 years - 6 years	20 minutes	X	X		X	X	
		X	Pre Kindergarten and Early Primary	No time limit		X	X			

CONTENT									EMPHASIS			CATEGORY
	Behavior	Concept Inventory	Language Development	Motor Development	School Readiness	Self Concept	Social Development	Visual Reception	Screening	Diagnostic	Achievement	
				X				X	X			All Handicapped
			X						X			
									X			
								X		X		Visual Perception Difficulties
					X				X			
			X								X	
			X	X			X		X			Mentally Retarded
									X	X		Speech
			X							X		All/Spanish Speaking
		X	X		X				X			All/Spanish Speaking
						X				X		
			X				X			X		Moderate-Profoundly M.R.
			X	X				X		X		Learning Disabilities
			X						X			Language Problems
	X		X	X			X		X		X	All Handicapped
	X				X		X		X			Behavior Problems
									X			Suspected Auditory Disabled
											X	Normal
				X				X	X	X		
			X	X				X	X			
	X		X	X			X	X		X	X	Moderate-Mildly Retarded

GENERAL TEST MATRIX

TEST MATRIX

The Test Matrix and correlated Test Description Forms contained herein are a part of the ongoing CORRC effort to disseminate information relevant to assessment, diagnosis and educational prescription for handicapped individuals. This document is intended to provide information available up to the time of publication, and does not represent a final statement with respect to assessment devices. Frequent updating is anticipated.

This Test Matrix is to be used as a quick-reference tool. It is not to be considered authoritative, although additional information on each assessment device can be obtained by referring to the appropriate Test Descriptor Form. Please keep in mind any screening/diagnostic/achievement tool, even the simplest, may be significantly affected by the sensitivity of its user. Caution is suggested in the use of any single test as a sole determinant of assessment data.

It should be noted, also, that many of the tests are used to assess more than one behavioral dimension. Where this was obviously the case, multiple entries were made on the matrix.

For still more comprehensive and authoritative data, the user is referred to such sources as *Buros Mental Measurement Yearbook*, *Tests in Print*, and/or the administrative manual for the test itself.

ASSESSMENT DEVICES
Adaptive Behavior Scale
Basic Concepts Inventory
Cain Levine Social Competency Scale
Camelot Behavioral Checklist, The
Columbia Mental Maturity Test
Deep Test of Articulation, A
Denver Developmental Screening Test
Devereux Adolescent Behavior Rating
Devereux Child Behavior Rating Scale
Devereux Elementary School Behavior Rating
Frostig Developmental Test of Visual Perception
Goldman-Fristoe Test of Articulation
Goldman-Fristoe-Woodcock Test of Auditory Discrimination
Handicapped Problems Inventory, The
Hiskey-Nebraska Test of Learning Aptitude
Illinois Test of Psycho-Linguistic Abilities
Kahn Intelligence Test
Maxfield-Buchholz Scale of Social Maturity for Use with Blind Child
Metropolitan Readiness Test
Peabody Individual Achievement Test
Peabody Picture Vocabulary Test
Piers-Harris Children's Self Concept Scale
Pre-School Attainment Record
Purdue Perceptual-Motor Survey
Slosson Intelligence Test
Southern California Figure Ground Visual Perception
Tare Assessment System, The
Templin-Darley Tests of Articulation
Tennessee Self Concept Scale
Thomas Self Concept Values Test
TMR Performance Profile
Verbal Language Development Scale
Vineland Social Maturity
Wepman Auditory Discrimination Test
Wide Range Achievement Test

CORRC/RRC

DESCRIPTIVE DIMENSIONS

ADMINISTRATIVE						RESPONSE MADE		REFERENCE		CONTENT					
Self-Administered	Examiner Administered	Group Administered	Individual Administered	Age / Grade	Time Required (minutes)	Verbal Response	Non-Verbal Response	Criterion	Normative	Auditory Reception	Visual Reception	Language Development	Motor Development	Self Concept	Behavior
	X		X	3-13 years plus 13 years & over	20-30	X	X		X						X
X	X		X	3-10 years	15-25	X	X	X							
X	X		X	5-13 years	untimed	X	X		X						
X			X	no age limit	untimed		X	X					X		X
	X		X	3-12 years	15-20		X		X		X†				
	X		X	grade 2 & under; grade 3 & over	not reported	X		X							
X			X	2 weeks - 6 years	15-20	X	X		X			X	X		
X			X	3-18 years	15				X						X
X			X	8-12 years	10-20		X		X						X
X			X	kindergarten - grade 6	10		X		X						X
X	X	X	X	3-8 years	30-45		X		X		X		X		
	X		X	2 years & over	10	X		X							
X	X		X	4 years & over	15-20		X		X	X					
	X		X	16 years & over	30-35	X			X					X	
	X		X	3-16 years	45-60		X		X						
	X		X	2-10 years	45-60	X	X		X	X	X	X			
X	X		X	1 month & over	not reported	X			X						
X			X	infancy to 6 years	untimed		X	X							
X	X	X		k - grade 1	60		X		X						
X	X		X	k - grade 12	30-40	X	X		X						
X	X		X	2.5-18 years	15-20	X	X		X		X				
X	X	X	X	3 - grade 12	15-20	X	X		X					X	
X	X		X	6 months - 7 years	untimed	X	X		X						
X	X		X	6-10 years	20		X		X		X		X		
X	X		X	1 month & over	0-30	X	X		X		X†				
X	X		X	4-10 years	5-20		X		X		X				
X			X	3-16 years	untimed		X	X					X		X
	X		X	3 years & over	5-15 (screening) 20-40 (diagnostic)	X			X						
X	X	X	X	12 years & over	10-20		X		X					X	
X	X		X	3-9 years	10-20	X		X						X	
X	X		X	open	untimed	X	X	X							
X	X		X	9-15 years	30	X			X*			X			
X	X		X	0-13 years	20-30	X	X		X						
X	X		X	5-9 years	5	X			X	X					
X	X		X	5-10 years; 11, 12 & over	20-30	X	X		X							

* limited; † intelligence.

RC TEST MATRIX

MENSIONS

CONTENT							EMPHASIS			CATEGORY						
Motor Development	Self Concept	Behavior	Articulation	School Readiness	Social Development	Concept Inventory	Screening	Diagnostic	Achievement	Physically Handicapped	Hard of Hearing	Deaf	Speech Impairment	Visual Handicapped	Blind	Visual Perception
		X			X		X									
						X	X									
					X		X									
X		X		X	X		X									
							X	X		X	X	X				
			X					X					X			
X					X		X									
		X						X								
		X						X								
		X						X								
X				X				X								X
			X					X					X			
							X	X					X			
	X							X		X						
								X		X	X	X				
								X		X	X	X	X	X	X	
								X						X	X	
				X	X			X							X	
				X												
							X	X	X							
				X			X	X		X						
	X															
					X		X									
X										X						
				X			X									
								X								X
X		X		X	X		X									
			X				X	X					X			
	X				X		X	X								
	X															
					X		X	X								
													X			
					X		X	X								
							X	X					X			
							X	X	X							

PHYSICAL EDUCATION ASSESSMENT CONSIDERATIONS AND TAXONOMY OF THE PSYCHOMOTOR DOMAIN

PHYSICAL EDUCATION ASSESSMENT CONSIDERATIONS

Purpose

Assessment is the process by which resource persons or agencies formally test a child to determine deficits and strengths in specific areas of functioning and make recommendations for programming based upon the child's current level of functioning. In making programming recommendations, it should be remembered that physical education is defined by law (P.L. 94-142, Proposed Rules 121 (a) (4)) as including:

1. The development of physical and motor fitness;
2. Fundamental motor skills and patterns;
3. Body mechanics;
4. Individual and group games and sports;
5. Skills to include intramural and lifetime sports; and
6. Dance and movement education.

The Taxonomy on p. 99 describes a classification system which can assist in determining an appropriate assessment. The relationship between levels of programming and levels of assessment for physical education can be seen in the chart on p. 97.

Decision

An assessment for physical education will not be necessary for every handicapped child. A complete assessment should be provided for those children who have received no, or an inadequate, physical education service. Often a district does not have sufficient programming options (see Options for Physical Education Services, p. 23, to provide an appropriate physical education service for some of the handicapped. Some districts have used this situation as a rationale for excluding those students from fully participating in physical education activities. The students may have sat out from certain activities, officiated, or worked in the locker room. The law is now requiring that these children be assessed and programming be available to meet their needs in physical education. The extent of assessment for a child with problems in physical education should be based upon the type(s) of problems evidenced (refer to the Screening Instrument, Form 1). Assessing the reflexes of a student with communication problems only is unnecessary; it would be important for a young child with spastic muscles.

Resource

A complete physical education assessment can be conducted most effectively by a person qualified in the area of physical education for exceptional individuals (i.e., adapted physical education). The person should have background in the areas of tests and measurements and also growth and development. However, a typical problem faced by districts is that none of the teachers of physical education have the necessary skills for assessing the abilities of handicapped children. With a minimum of inservice training, a physical educator or classroom teacher who teaches physical education can administer many of the tests listed in Chart 1, Relationship Between Assessment and Programming, if they are not able to do so already. This is a partial list of available tests. Teachers are encouraged to use other tests with which they are more familiar and may be more appropriate.

RELATIONSHIP BETWEEN ASSESSMENT AND PROGRAMMING

	Physical & Motor Fitness		Fundamental Skills and Patterns				Body Mechanics			Games & Sports			Intramurals & lifetime Sports			Dance				Movement Education			
Formal Tests*	1**	4	1	2	3	5	1	2	6	3	4	5	3	4	5	3	4	5	6	2	3	5	6
Evaluation Test for Trainable Mentally Retarded Children and Youth		X		X	X	X			X	X	X	X	X	X	X								
Fiorentino Reflex Test	X		X				X																
Physical Fitness Test Battery for Mentally Retarded Children		X									X			X									
Milani-Comparetti Motor Development Test	X		X				X																
Move-Grow-Learn		X		X	X	X		X		X	X	X		X	X	X				X	X	X	X
Movement Pattern Checklist				X						X										X			
Movinenic Curriculum		X		X	X	X		X	X	X	X	X	X	X	X		X	X		X	X	X	X
Oseretsky Tests		X			X	X				X		X									X		
The Perceptual-Motor Attributes of Mentally Retarded Children and Youth		X		X	X	X		X		X	X	X	X	X	X								
Purdue Perceptual-Motor Survey					X	X				X											X	X	
Special Fitness Test (AAHPER)		X									X			X									

*For a more complete listing and description of tests in physical education, see American Alliance for Health, Physical Education and Recreation. Testing for Impaired, Disabled and Handicapped Individuals, Washington, D.C.: AAHPER, 1975.

**Numbered columns refer to categories within the Taxonomy on p. 99.

Outcome

Assessment in physical education should provide information for the teacher of the child to include:

--The specific skill deficits and strengths evidenced by the child. Skills should be stated in precise behavioral terms. It is more informative to say that a child's walking pattern is stiff-armed and flat-footed without cross-extension while walking 20 feet across a level floor, than to state that the child has a poor walking gait.

--The particular skills the child needs to learn, the skill sequence, suggested materials, teaching formats, etc.

--Suggestions for a commercial curriculum, if prescriptive information is not available. It would be helpful if the testing resource could supply special considerations for presenting the prescriptive information and concrete examples of how to implement the recommendations.

--Recommendations for type of physical education service.

1. Keep in mind that placement should be with nonhandicapped children to the greatest extent possible (refer to Options for Physical Education Services, p. 23.

2. Consider whether any activities are specifically contraindicted or prescribed by the child's physician (see Physical Education Medical Referral, Form 2).

--The specific related services (e.g., recreation, physical therapy, occupational therapy) that would be of benefit.

TAXONOMY OF THE PSYCHOMOTOR DOMAIN*

1. Reflex Movements

Movements elicited without conscious volition in response to a stimulus. They are an essential base for movement behavior. Reflex Movements consist of:

A. segmental reflexes (e.g., flexion, myotatic, crossed-extention)
B. intersegmental reflexes (e.g., cooperative, competitive)
C. supra-segmental reflexes (e.g., extensor rigidity, plasticity reactions)
D. postural reflexes (e.g., supporting, tonic-attitudinal, grasping)

2. Basic Fundamental Movements

Inherent motor patterns which are based upon the reflex movements and which normally develop without training. They can be classified as:

A. locomotor movements (e.g., crawling, walking, running, jumping)
B. non-locomotor movements (e.g., bending, twisting, pushing)
C. manipulative movements (e.g., grasping, handling balls)

3. Skilled Movements

The performance of complex movement tasks with a degree of proficiency, which requires learning. Subcategories are:

A. simple skills (e.g., broad jumping, hurdling, archery)
B. compound skills (e.g., tennis, badminton, pingpong)
C. complex skills (e.g., aerial gymnastics, twisting dives)

4. Physical Abilities

Efficient functioning of the various systems of the body enabling it to meet environmental demands. They are:

Health Fitness	Motor Performance
A. circulo-respiratory capacity	A. balance
B. flexibility	B. coordination
C. strength	C. agility
D. muscular endurance	D. power
	E. reaction time
	F. speed

5. Perceptual-Motor Abilities

Coordination between perceptual abilities and motor abilities which make movements more efficient. They involve the following:

A. kinesthetic awareness (e.g., body awareness, body image, body relation to objects)
B. visual-motor coordination (e.g., eye-hand coordination, eye-foot coordination)
C. auditory-motor coordination (e.g., ear-hand coordination, ear-foot coordination)

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*Adapted from Harrow, A.J. A taxonomy of the psychomotor domain. New York: David McKay Company, Inc., 1972.

6. Non-Discursive Communication

Forms of movement behavior which communicate feelings, needs, and interests. They are:

A. expressive movements (e.g., posture, gestures)
B. interpretive movement (e.g., aesthetic, creative)

SP-19

WHEN TO REFER TO OTHER AGENCIES

REFERRAL TO COMMUNITY AGENCY (FORM 7)

WHEN TO REFER TO OTHER AGENCIES

Referral to other agencies might be required in the following instances:

When the district needs to purchase a specific assessment or program service not available to it.

When services are generally not available within a district.

When district programs or district assessment personnel are overloaded.

When the district needs special assistance in the provision of assessment or services.

When the service is legitimately provided by another agency.

When completing referrals, the district should be aware of procedures for referral to the agency, and take responsibility for following through on the referral to ensure services are provided.

When purchasing the services or referral has been made to gather information it is important that the district negotiate the services ahead of time. It is important that the district indicate the expected outcomes of services and any formats on which the information should be provided. If the district is purchasing an educational program, it should be based on the Individual Educational Program.

FORM 7

REFERRAL TO COMMUNITY AGENCY

(If No Agency Referral Form is Available)

Person Referred (Full Name) _____ Birthdate _____

Parent/Guardian _____ Phone Number _____

Address _____ School _____

Check Reason for Referral:

COMMUNICATION

- ☐ Expressive
- ☐ Receptive
- ☐ Speech

PHYSICAL

- ☐ Physical Defect
- ☐ Motor Coordination
- ☐ Vision
- ☐ Hearing
- ☐ Other _____

BEHAVIORAL

- ☐ Classroom Behavior
- ☐ Peer Relationship
- ☐ Aggressive
- ☐ Very Quiet, Uncommunicative
- ☐ Other _____

ACADEMIC

- ☐ Reading
- ☐ Writing
- ☐ Math
- ☐ Spelling
- ☐ Other _____

Expected results of referrals:

A copy of this referral has been given to the parent(s).

School District _____ Address _____ Phone _____

District Contact Person _____ Signature _____ Date _____

Attach copy of screening instrument, record review form, and result of referral meeting.

SP-20

DISCUSSION PAPER: QUALIFIED PSYCHOLOGICAL EXAMINER

ASSESSMENT ASSIGNMENT FORM (FORM 8)

Discussion Paper: Qualified Psychological Examiner

There are two types of qualified psychological examiners in Oregon. One would be a school psychologist certificated under the Teacher Standards and Practices Commission, and the second would be a psychologist licensed to practice psychology by the Oregon Board of Psychologist Examiners. Only the Commission and the Board of Psychologist Examiners have the legal authority to qualify psychological examiners.

Traditionally in Oregon, teachers of children with extreme learning problems and some teachers of children with speech handicaps have had course work and practicums in intelligence testing as a part of their teacher preparation program. In Oregon's special education program these two groups of teachers have traditionally been prepared to test and otherwise determine the eligibility of these children for special education.

Some years ago Oregon required a two year discrepenacy between mental age and reading age in order to qualify a child as handicapped by reason of a severe learning problem. Teacher education programs approved for preparing teachers of children with extreme learning problems(ELP) reflected this way of qualifying children, and required teachers to take course work and a practicum in intelligence testing. Often these teachers were used by school districts to give individual intelligence tests to school children even when the results of such tests were not being used to qualify a child as having a severe learning problem. For example, these teachers often administered intelligence tests to children suspected of being mentally retarded. In some cases speech therapists were prepared to give individual intelligence tests as a part of their speech therapy preparation program even though such a test was not part of the criteria for certifying a child for speech help. School counselor preparation programs have not traditionally required individual intelligence testing as one of the skills of a counselor.

This practice of giving intelligence tests by individuals other than a certified school psychologist continues in many school districts in Oregon.

Although this discussion of who is "qualified by training and practice" to administer intelligence tests sums up the current practice in Oregon, one can forsee more control of psychological testing including intelligence testing in the near future.

Under the "new" parent rights guarantees that are now written into state and federal law, parents may be challenging both the examiner's qualifications and test results. Further, OAR 581-21-030, which requires a parent signature for intelligence testing also provides an opportunity for the parent to challenge the qualifications of the person giving the test.

School districts would be advised to look at who is qualified to give intelligence tests in the district and to restrict the administration of such tests to those staff members who by training and practicum experience have demonstrated their ability to administer intelligence test. This would be the first step. Ultimately a school district may find that an Oregon certificated school psychologist or a psychologist licensed by the Oregon Board of Psychologist Examiners will be the only practitioners that will meet a legal test of a "qualified" psychological examiner.

FORM 8

ASSESSMENT ASSIGNMENT FORM

STUDENT: _____ SCHOOL: _____

BIRTHDATE: _____ GRADE: _____

DATE: _____

ASSESSMENT PROCEDURE OR INSTRUMENT	RESPONSIBLE PERSON	DUE DATE

SP-21

PARENT APPROVAL FOR DIAGNOSTIC TESTING (FORM 9)

FORM 9

PARENT CONSENT FOR DIAGNOSTIC TESTING (INITIAL EVALUATION)

In a prior communication (personal interview or mail) you have been informed of the school's concern for your child's educational progress and the need to gather further information so that the best possible program can be planned. The state's Administrative Regulations require that you approve of any testing or other evaluation of your child before we may proceed. Please sign as indicated below. Your cooperation is appreciated.

The evaluation procedures to be used in each of the following areas are:

Intelligence:

Communication:

Physical:

Behavior:

Academic:

Other:

Date_____

This is to indicate that I have been informed and counseled regarding the referral of my child_____ (name of child) for individual testing or other evaluation using appropriate assessment instruments.

☐ Permission is given to conduct the evaluation as described.

☐ Request conference prior to granting permission.

_____
Parent's signature

_____
Date

It is very important that you be aware of and understand the following:

1. You have the right to review all records related to the referral.
2. You have the right to refuse to permit the evaluation.
3. You have the right to be fully informed of the results of the evaluation.
4. If you disagree with the results, you have the right to get an outside evaluation at your own expense or from another public agency with the fee being determined by its policy.
5. You have a right to review the instruments (tests) used to evaluate the child.

Your child's educational status will not be changed without your knowledge.

SP-22

AUTHORIZATION FOR EXCHANGE OF
CONFIDENTIAL INFORMATION (FORM 10)

FORM 10

AUTHORIZATION FOR EXCHANGE OF CONFIDENTIAL INFORMATION

STUDENT:_____ SCHOOL:_____

BIRTHDATE:_____ GRADE:_____

Date:_____

As parent/guardian of the named student, I hereby authorize the mutual exchange of confidential information between_____
name of school district

and:

Agency, practitioner:_____

Address:_____

City:_____State:_____Zip:_____

_____
Parent/Guardian Signature

_____
Address

_____
City State Zip

In accordance with the requirements of the Family Educational Rights and Privacy Act of 1974, information sent or received by the Public School may not be shared with any other party without the written consent of the parents or guardian or the pupil if eighteen years or older.

Please send all confidential information to:

_____
Name

_____
Address

SP-23

RESULTS OF INDIVIDUAL ASSESSMENTS (FORM 11)

FORM 11

Use as many forms as necessary to
summarize relevant results

INDIVIDUAL ASSESSMENT RESULTS
(This does not represent the child's IEP)

Child's Name_____ Birthdate_____

School_____

Tests Given	N	R	Results - give scores if normed referenced

AREA:_____

Current Level of Educational Functioning (Strengths and Weaknesses)

Recommended Long Term Objectives	Recommended Short Term Objectives
Recommended Strategies/Materials	

Recommended Least Restrictive Placement (Describe the services it is recommended the child receive)

AREA: _____

Current Level of Educational Functioning (Strengths and Weaknesses)

Recommended Long Term Objectives	Recommended Short Term Objectives
Recommended Strategies/Materials	

Recommended Least Restrictive Placement (Describe the services it is recommended the child receive)

AREA: _____

Current Level of Educational Functioning (Strengths and Weaknesses)

Recommended Long Term Objectives	Recommended Short Term Objectives
Recommended Strategies/Materials	

Recommended Least Restrictive Placement (Describe the services it is recommended the child receive)

SP-24

OREGON ELIGIBILITY CRITERIA

SENATE BILL 38, 1977 LEGISLATURE
(Redefines eligibility categories)

FORM 12: ELIGIBILITY REPORT FORM

Enrolled

Senate Bill 38

Ordered printed by the President of the Senate in conformance with presession filing rules and indicates neither advocacy nor opposition on the part of the President (at the request of Task Force on Special Education)

CHAPTER 528

AN ACT

Relating to special education; creating new provisions; amending ORS 343.035; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

Section 1. ORS 343.035 is amended to read:

343.035. As used in this chapter unless the context requires otherwise:

(1) [*"Physically handicapped or chronically ill"*] **"Orthopedically impaired or other health impaired"** means a disability which has been diagnosed by a physician licensed by the Board of Medical Examiners for the State of Oregon as permanent or which is expected to extend over a two-month period.

(2) "Handicapped children" includes all persons under 21 years of age who require special education in order to obtain the education of which they are capable, because of mental, physical, emotional or learning problems. These groups include, but are not limited to those categories that have traditionally been designated: Mentally retarded, [*socially or emotionally maladjusted, emotionally handicapped, blind, partially sighted, deaf, hard of hearing, speech defective, physically handicapped or chronically ill, extreme learning problems, learning disabilities, or individuals who are pregnant.*] **hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired or other health impaired children; individuals who are pregnant; or children with specific learning disabilities.**

(3) "Special education" [*includes special instruction for handicapped children in or in addition to regular classes, special classes, special schools, special services, home instruction and hospital instruction*] **means specially designed instruction to meet the unique needs of a handicapped child, including regular classroom instruction, instruction in physical education, home instruction, related services, and instruction in hospitals, institutions and special schools.**

(4) "[*Special*] **Related** services" includes transportation[*, reader service, volunteer services to enhance special education programs, special equipment, psychometric testing*

and such other materials and services as are approved by the Superintendent of Public Instruction] **; and such developmental, corrective and other supportive services (including speech pathology and audiology, psychological services, physical and occupational therapy, special equipment, reader services, volunteer services to enhance special education programs, recreation, and medical and counseling services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a handicapped child to benefit from special education, and includes early identification and assessment of handicapping conditions in children.**

SECTION 2. Section 3 of this Act is added to and made a part of ORS chapter 343.

SECTION 3. (1) The Superintendent of Public Instruction shall be responsible for the general supervision of all educational programs for handicapped children within the state, including all such programs administered by any state agency or common or union high school district or intermediate education district.

(2) All educational programs for handicapped children within this state shall meet the standards and criteria established therefor by the State Board of Education.

(3) The Governor shall direct that agencies affected by this section shall enter into cooperative agreements to achieve necessary uniformity in meeting the standards and criteria established by the state board under subsection (2) of this section.

SECTION 4. This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act takes effect July 1, 1977.

Oregon Eligibility Criteria

Handicapping Category	Definition	Eligibility
1. Blind child	A blind child is one whose corrected vision in the better eye is 20/200 or less or whose visual field is restricted to twenty degrees or less.	1) The child shall be examined by an opthalmologist or optometrist licensed by a state board to verify: a) that the child's residual acuity is 20/70 or less in the better eye with correction; and b) that the child has received or is receiving medical treatment for an eye condition. 2) The school district shall substaniate that the child's academic functioning is below age and grade level.
2. Partially sighted child	A partially sighted child is one whose corrected vision in the better eye is 20/70 or less or who cannot function at an academic level commensurate with his/her mental ability because of an eye problem.	Same as blind.
3. Deaf child	A deaf child is one in whom the sense of hearing is nonfunctional even with a hearing aid and who is unable to understand speech and develop language successfully without specialized instruction.	1) The child shall have an average hearing loss in excess of thirty-five decibels (ISO) in the speech range (500, 1000, 2000 HZ) for the better ear after medical treatment. 2) The child shall be examined by a physician licensed by a State Board of Medical Examiners to verify the existence of a hearing loss; or whether the child has received or is in need of medical treatment.

Oregon Eligibility Criteria

Handicapping Category	Definition	Eligibility
4. Hard of hearing	A hard of hearing child is one in whom the sense of hearing, although defective, is functional with or without a hearing aid and who develops speech and language through hearing.	Same as deaf.
5. Speech and language is impaired	A child is considered to be speech and language impaired when: 1) there is difficulty in one or a combination of the four areas of speech: articulation, phonation, rhythm, and symbolization; 2) the child's speech deviates from the accepted general developmental age norms; 3) the speech difficulties interfere with communication; or 4) the speech difficulties cause emotional stress.	1) The child shall be given an individual evaluation using diagnostic procedures and tests appropriate for determining that the child's deviations of speech and language processes are outside the range of acceptable variation within a given environment and prevent full social and educational development. 2) The school district shall have the child referred for a medical examination when: a) there is indication that a supportive diagnosis is needed; b) the child fails to make satisfactory progress in the remedial speech program; or c) there is evidence that the speech problem may be associated with a pathology that requires medical treatment prior to or in addition to the remedial instructional activities.

Handicapping Category	Definition	Eligibility
6. Physically handicapped or chronically ill	Physically handicapped children as defined or ORS 343.035(2) are children who are disabled by motor impairments or chronic illness which requires them to have home instruction, special transportation, special equipment or other specialized services to meet their educational needs.	1) The child shall be examined by a physician licensed by the Board of Medical Examiners for the State of Oregon to verify: a) that the child's condition is either permanent or is expected to extend over a two-month period; b) whether the child requires home or hospital instruction, supplemental classroom instruction, special equipment and supplies, special transportation, or other special education services. 2) When home or hospital instruction is to be provided, individual goals and objectives are to be compatible with those set up in the regular classroom or otherwise suitably designed to meet the child's level of functioning and specific physical needs. 3) Teachers of children who receive home or hospital instruction shall hold appropriate certification.
7. Learning disability	Learning disabled children are not mentally retarded, but show an inability to profit from regular classroom methods and materials without special educational help. They may be, or will become, extreme underachievers in reading, spelling, writing or arithmetic. This performance deficit may manifest itself in mild to severe difficulties with perception (the ability to attach meaning to sensory stimuli) conceptualization, language, memory, motor skills, or control of	1) The district shall obtain enough information to document a performance deficit in perception, conceptualization, language, memory, sensory-motor skills, or attention. Information may be obtained from any or all of the following: a) standardized tests of achievement or intelligence; b) standardized diagnostic tests of skills; c) informal tests and inventories (commercial or teacher made);

Oregon Eligibility Criteria

Handicapping Category	Definition	Eligibility
7. Learning disability (continued)	attention. The broad category of learning disabilities includes children described by such terms as extreme learning problems, dyslexia, brain injured, neurologically impaired or handicapped, minimal brain dysfunction, and educationally handicapped.	d) data from systematic observation. 2) The district shall develop an individualized instruction plan based on the strengths and weaknesses of the child as determined by the diagnostic study. 3) Consultation shall be held with parents before placing a child in an instructional program. 4) The medical examination generally required in determining eligibility of handicapped children for special education may be waived by the school district, but a medical examination is recommended when learning problems may be associated with neurological, vision, or hearing problems, or when after a period of special education help, the child has failed to make reasonable progress. 5) The district shall evaluate each learning disabled child as often as necessary but not less than once a year to determine the need for continued special education and to plan the nature of the child's educational programs.
8. Emotionally handicapped	Emotionally handicapped children require special education in order to obtain the education of which they are capable because they are socially or emotionally maladjusted to the extent that they cannot make satisfactory progress in the regular school program. These children, because of organic and/or environmental	1) Careful study of the child shall be made by qualified educational authorities with medical or psychological evaluation when appropriate. 2) The social and/or emotional adjustment problems shall have existed over an extended period of time and to such a degree as to significantly interfere with the child's educational progress.

Handicapping Category	Definition	Eligibility
8. Emotionally handicapped (continued)	influences, exhibit one or more of the following characteristics over an extended period of time and to a marked degree: 1) an inability to learn at a rate commensurate with their intellectual, sensory-motor, and physical development; 2) an inability to establish or maintain satisfactory interpersonal relationships with peers, parents, or teachers; 3) an inability to respond appropriately in day-to-day life situations; 4) a variety of excessive behavior ranging from hyperactive, impulsive responses to depression and withdrawal; or 5) a tendency to develop physical symptoms, pains, or fears associated with personal, social, or school problems.	3) The district shall develop an individualized instruction plan based on the case study of the child. 4) Consultation shall be held with parents before placing a child in an instructional program. 5) A medical examination is required in determining eligibility of emotionally handicapped children, except the district may waive the medical examination for children with mild behavioral problems as provided in ORS 343.227(1)(a). 6) Needed medical or psychological service should be provided concurrently with the special education services through the use of available ancillary services resources. 7) The district shall evaluation each emotionally handicapped child as often as necessary but not less than once a year to determine the need for continued special education and to plan the nature of the child's educational program.
9. Mentally retarded	Mentally retarded children exhibit significantly subaverage general intellectual functioning existing concurrent with deficits in adaptive behavior, and manifested during the developmental period.	1) The school district shall provide an individual intellectual assessment using one of the following standardized intelligence tests: a) Stanford-Binet b) Wechsler Intelligence Scale for Children or WISC-Revised c) Wechsler Preschool and Primary Scale of Intelligence. The examiner in consultation with the parents may use an alternative individual

Handicapping Category	Definition	Eligibility
9. Mentally retarded (continued)		performance test if deemed appropriate. Such tests, however, shall be appropriate to the child's spoken language, and shall take into account the cultural background and other factors which could invalidate a child's test performance. 2) Intelligence tests shall be administered by a qualified examiner. 3) Intelligence test results shall not be more than one year old at the time the child's eligibility is established. 4) Intelligence test performance shall be at least two standard deviations below the mean but no more than three standard deviations below the mean. 5) The school district shall substantiate that the child's academic achievement is below age and grade norms. 6) The school district shall conduct an assessment of the child's adaptive behavior to document whether there is consistent impairment of adaptive behavior in one or more of the following areas: a) Sensory-motor skills b) Communication c) Self-help d) Socialization Adaptive behavior may be assessed by using a specific scale such as the Vineland Social Maturity Scale, the American Association on Mental Deficiency Adaptive Behavior Scale Public School Verson, or the Gesell Developmental Schedules. 7) When a specific scale is not used, the district shall insure that nonspecific tests and the interpretation of test

Handicapping Category	Definition	Eligibility
9. Mentally retarded (continued)		results relate to the cultural norms of the child's home and community as well as to the school culture and environment. 8) The child shall be examined by a physician licensed by a State Board of Medical Examiners to verify: a) whether there are any physical factors contributing to the child's educational problems; b) whether medical treatment is needed prior to placing the child in a special education program; or c) whether any other type of examination is needed. 9) The school district shall prepare a documented history of retarded overall functioning which summarizes all relevant, factual information obtained from family, development and school history to further support the child's need for special education.
10. Pregnant individuals	No definition given.	1) The individual shall be examined by a physician licensed by a State Board of Medical Examiners verifying the condition of pregnancy. 2) When home instruction is provided, individualized goals and objectives for the individual shall be compatible with those developed in the regular classroom. 3) Teachers of individuals receiving home instruction shall hold appropriate certification. 4) Nothing contained herein shall be construed to prevent individuals who are pregnant from electing to continue attending classes in the regular program.

FORM 12

ELIGIBILITY REPORT FORM

Child's Name_____ Birthdate_____

Code Number_____

School_____

As a result of the following assessments, the child ☐ is/ ☐ is not eligible to receive special education under the _____ program.

Criteria for eligibility	Evaluations	Evaluator	Date

Signed_____

Title_____

Date_____

The information on this form was shared with the parents on _____ (date)

by _____.

☐ The parents accepted the results of the testing.
☐ The parents disagreed with the results. Explain action_____

_____

_____

INDIVIDUAL EDUCATION PROGRAM DEVELOPMENT/PLACEMENT

INTRODUCTION

Within the IEP Development/Placement component are procedures for developing the IEP and insuring the student is appropriately placed. The quality of the IEP prepared at this point is dependent on how adequately information has been collected from the time the student became a focus of concern. The procedures require that the IEP be developed prior to the decision of where the student is to be placed. The student's placement is to be based on long term objectives, short term objectives and the services to be provided rather than eligibility category. Written parent consent must be obtained before a child is initially placed in a program providing special education services. These procedures have the IEP being drafted in an initial IEP meeting to the point of establishing the short term objectives. The child is placed in program upon parental consent. It is recommended that the teacher have 20 teaching days in which to establish strategies, materials and procedures for continuous monitoring of student progress. After the 20 day period the teacher and parent review the child's program. It is also recommended that a LEA representative review the program at that point to insure the strategies have been developed, materials indicated, and a progress monitoring system devised.

The IEP should serve as a focus of the child's program; however, when required, it should be revised.

In addition to the procedural steps the following support packages should be reviewed:

SP-25 Participants at IEP Meeting
SP-26 Parent Notification of IEP Meeting (Form 13)
SP-27 Individual Education Program (IEP) Documents (Form 14)
SP-28 Sample Communication to Parent Regarding IEP Meeting Results (Form 15)
SP-29 Confirmation of IEP Strategies

SP-25

PARTICIPANTS AT IEP MEETING

Participants at IEP Meeting

Participation at the IEP Meeting will change with the needs of the individual child. It is well to involve "persons with a variety of competencies and skills in the decision making process; involve individuals who have the authority to provide support for implementing decisions; involve potential implementors in decision making."

The committee should be composed of at least the following individuals (from Federal Register, August 23, 1977):

(a) *General.* The public agency shall insure that each meeting includes the following participants:

(1) A representative of the public agency, other than the child's teacher, who is qualified to provide, or supervise the provision of, special education.

(2) The child's teacher.

(3) One or both of the child's parents.

(4) The child, where appropriate.

(5) Other individuals at the discretion of the parent or agency.

(b) *Evaluation personnel.* For a handicapped child who has been evaluated for the first time, the public agency shall insure:

(1) That a member of the evaluation team participates in the meeting; or

(2) That the representative of the public agency, the child's teacher, or some other person is present at the meeting, who is knowledgeable about the evaluation procedures used with the child and is familiar with the results of the evaluation.

Comment. 1. In deciding which teacher will participate in meetings on a child's individualized education program, the agency may wish to consider the following possibilities:

(a) For a handicapped child who is receiving special education, the "teacher" could be the child's special education teacher. If the child's handicap is a speech impairment, the "teacher" could be the speech-language pathologist.

(b) For a handicapped child who is being considered for placement in special education, the "teacher" could be the child's regular teacher, or a teacher qualified to provide education in the type of program in which the child may be placed, or both.

(c) If the child is not in school or has more than one teacher, the agency may designate which teacher will participate in the meeting.

2. Either the teacher or the agency representative should be qualified in the area of the child's suspected disability.

3. For a child whose primary handicap is a speech impairment, the evaluation personnel participating would normally be the speech-language pathologist.

Parental involvement in the formal placement process is extremely important for the following reasons:

1. The information which they can bring to the committee may greatly enrich the total committee's understanding of the needs of the child and family.

2. Involvement will usually be associated with a greater chance of parent cooperation.

3. Cooperation is essential to the success of the child's program.

4. The parent's presence can help assure that they clearly understand the functions of the committee.

5. The parent's informed consent is legally essential at several stages of the committee's functioning. (See SP-17: Federal Requirements 1.0 (f)).

SP-26

PARENT PARTICIPATION

PARENT NOTIFICATION OF IEP MEETING (FORM 13)

Parent Participation (from Federal Register, August 23, 1977):

(a) Each public agency shall take steps to insure that one or both of the parents of the handicapped child are present at each meeting or are afforded the opportunity to participate, including:

(1) Notifying parents of the meeting early enough to insure that they will have an opportunity to attend; and

(2) Scheduling the meeting at a mutually agreed on time and place.

(b) The notice under paragraph (a) (1) of this section must indicate the purpose, time, and location of the meeting, and who will be in attendance.

(c) If neither parent can attend, the public agency shall use other methods to insure parent participation, including individual or conference telephone calls.

(d) A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case the public agency must have a record of its attempts to arrange a mutually agreed on time and place such as:

(1) Detailed records of telephone calls made or attempted and the results of those calls.

(2) Copies of correspondence sent to the parents and any responses received, and

(3) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

(e) The public agency shall take whatever action is necessary to insure that the parent understands the proceedings at a meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English.

(f) The public agency shall give the parent, on request, a copy of the individualized education program.

Comment. The notice in paragraph (a) could also inform parents that they may bring other people to the meeting. As indicated in paragraph (c), the procedure used to notify parents (whether oral or written or both) is left to the discretion of the agency, but the agency must keep a record of its efforts to contact parents.

FORM 13

_____
DATE

Dear_____:

In order for the evaluation program to be effective for each child, it is important that school personnel and parents work together as a team.

As you know, we have been completing an educational assessment of your child. We would like to meet with you to share information from the completed assessments. At this meeting you will have the opportunity to assist in the development of educational objectives along with the other team members. The results of this meeting will be the development of the most appropriate educational program for your child.

The meeting will be on_____ at_____
in_____. (date) (time)
(Location)

If you are unable to attend this meeting, please contact us at _____ (phone)
as soon as possible in order to plan a time which is mutually convient.

Your cooperation is greatly appreciated.

Sincerely,

_____
Signature

_____
Position

SP-27

INDIVIDUAL EDUCATION PROGRAM (IEP) DOCUMENTS AND DIRECTIONS

Form 14a Placement Action Form, Example and Directions
Form 14b Individual Implementation Plan, Example and Directions
Form 14c Student Progress Record IEP Forms for TMR Students and Examples

INDIVIDUAL EDUCATION PROGRAM (IEP) DOCUMENTS

- Placement Action Form
- Individual Implementation Plan

1.0 Purpose
2.0 Documents
3.0 Directions and considerations in completion of form
4.0 An example of a completed form

1.0 Purpose:

There are several purposes in using the IEP Documents:

1.1 Documentation: Both forms can serve as documentation that a program exists on each child and of the specific actions (e.g., placement and review) taken for each child. A school district should be able to answer any data requirement of either the state or local district through summarizing across forms.

1.2 Record of Placement Decisions:

1.3 Summary Form: The IEP can serve as a summary of relevant information about the child.

1.4 Planning Form: The forms, especially the individual implementation plan can be used by the teacher in planning the actual instructional strategies for the child and in monitoring the child's progress.

1.5 Annual Review Form: The forms are also to be used to document the child's annual review.

FORM 14a

PLACEMENT ACTION FORM

EXAMPLE AND DIRECTIONS

FORM 14a

Initial Placement
Annual Review

INDIVIDUAL EDUCATION PROGRAM
PLACEMENT ACTION FORM

NAME_____ BIRTHDATE_____

ADDRESS_____ PHONE_____

SCHOOL_____ DATE OF MEETING_____

DISTRICT OF RESIDENCY_____

In attendance at IEP Meeting: _____, _____,

_____, _____, _____.

See attached pages for statement of current level of educational functioning, long term objectives, short term objectives and instructional strategies.

Special Education Services

1. Special Education Services to be provided. Entry Date_____
   School_____ Program_____ Teachers _____, _____
   Student's Program: Review Date_____

2. Is special physical education programming required? ☐ Yes ☐ No
   Describe program (if there are specific objectives include on attached pages).

3. Related Services

   ☐ Speech Therapy (describe)_____

   ☐ Physical Therapy (describe)_____

   ☐ Occupational Therapy (describe)_____

   ☐ Work Experience (describe)_____

   ☐ Medical Service (describe)_____

   ☐ Social Services (describe)_____

   ☐ Transportation_____

   ☐ Other_____

4. Describe and give time estimates of the extent to which children will participate in the regular program.

I/we have participated in the development of the IEP and have had the program explained to me and approve of my child's placement as described above.

_____ _____
Parent's Signature Date

EXAMPLE

FORM 14a

INDIVIDUAL EDUCATION PROGRAM
PLACEMENT ACTION FORM

___ Initial Placement
_X_ Annual Review

NAME *Joan Doe* BIRTHDATE *1/23/61*

ADDRESS *1313 N. Baldwin, Portland* PHONE *MU 7-6851*

SCHOOL *Special School of Erewhon* DATE OF MEETING *8/8/77*

DISTRICT OF RESIDENCY *Erewhon #1*

In attendance at IEP Meeting: *Dorothy Smith, Chairperson*, *Ed Allen, Teacher*, *Bob Holt, School psychologist*, *Mr. & Mrs. Doe, parents*, _____.

See attached pages for statement of current level of educational functioning, long term objectives, short term objectives and instructional strategies.

Special Education Services

1. Special Education Services to be provided. Entry Date *9/7/77*
   School *Erewhon* Program *Learning Resource Center* Teachers *Mrs. Good*, *Mr. Smart*
   Student's Program: Review Date *1/20/78*
   Joan will be placed in the Resource Learning Center for 2 hrs. a day where an academic program will be provided in the basic skill areas of mathematics, reading, and spelling.
2. Is special physical education programming required? [X] Yes [ ] No
   Describe program (if there are specific objectives include on attached pages).
   Regular PE teacher will receive consultation in adaptive techniques from State Department of Education PE Specialist so that an individualized program of postural exercises can be provided to Joan.
3. Related Services
   - [X] Speech Therapy (describe) *1) Appraisal of specific speech disorders 2) Provision of a speech habilitation program as a result of the appraisal.*
   - [ ] Physical Therapy (describe) _____
   - [ ] Occupational Therapy (describe) _____
   - [ ] Work Experience (describe) _____
   - [ ] Medical Service (describe) _____
   - [ ] Social Services (describe) _____
   - [ ] Transportation _____
   - [ ] Other _____
4. Describe and give time estimates of the extent to which children will participate in the regular program. *For other content areas and all other school activities, Joan will remain with her peer group. She will be placed in the regular program for 3 hours per day.*

I/we have participated in the development of the IEP and have had the program explained to me and approve of my child's placement as described above.

_____ _____
Parent's Signature Date

3.0 Directions and considerations in completion of form

A completed form should be available on each child who has been placed in a program and should indicate his/her current status. A form should be completed at the time of initial placement and during each program review. The chairperson is responsible for completing the placement action form and goals and objectives on the Individual Implementation Plan. The teacher will complete the rest of the Individual Implementation Plan.

PLACEMENT ACTION FORM

ITEM	WHO	WHEN	COMMENT	EXAMPLE (If appropriate)
Initial Placement Review	Chairperson	Prior to meeting	Indicate by checking the appropriate box whether this is the first placement (in the district) on the child or an annual (or more frequent) review.	
Name_____ Birthdate_____ Address_____ Date of Meeting____	Chairperson	Prior to meeting	Enter the child's full name, birthdate, address and the date the meeting was held.	
School_____	Chairperson	Prior to meeting	Enter the name of the school the child is currently attending. If the child is not in school state reason.	School *Ashman Elementary* School *New to district*
District of Residency	Chairperson	Prior to meeting	Enter the district in which the child resides.	
In attendance at IEP Meeting	Chairperson	During meeting	Enter the names and titles of those members in attendance. See SP-25, IEP Meeting Participants.	*Dorothy Smith, Chairperson* *Edward Allen, Teacher* *Robert Holt, Psychologist* *Mr. & Mrs. Morrill, Parents*

ITEM	WHO	WHEN	COMMENT	EXAMPLE (If appropriate)
1. Special Education Services to be provided Entry Date_____	Chairperson	Should not be completed until objectives have been established	Enter the date the child is to enter the program.	
School	Chairperson	Should not be completed until objectives have been established	Enter the school where the program is located.	
Program	Chairperson	Should not be completed until objectives have been established	Enter the name of the program.	*"Resource Room"* *"Itinerant Services"*
Teacher(s)	Chairperson	During meeting	Enter the name of the teacher(s) who will be developing the individual implementation plan.	
Review Date_____	Chairperson	During meeting	Enter the date (not to exceed 20 days) committee will review the individual implementation plan and confirm or revise the placement.	

ITEM	WHO	WHEN	COMMENT	EXAMPLE (If Appropriate)
1. (continued) Describe student's program.	Chairperson	During Meeting	Describe the placement. The district may choose to add a checklist of available placements (e.g., assistance to teacher, resource room, etc.)	Describe with justification. *Joan will be placed in the resource room at Atwood Elementary for two hours a day where an academic program will be developed in the basic skill areas of reading and spelling. This program is not in her home school, but will allow her to participate fully in the regular program for the majority of the school day.*
2. Is special physical education programming required YES___ NO___ Describe Program (if there are specific objectives, include on attached pages)	Chairperson	During Meeting	Check yes or no and describe the program whether or not it is special. Options for Physical Education Placement Regular physical education--no modifications Regular PE with consultation Assistance - Specialist consults for corrective exercises, restricted or adapted activities. Regular PE with Assistance - aides, peer tutors, or specialists to give individualized attention in regular PE.	Is special physical education programming required? YES___ NO___ Describe: *Regular PE teacher will receive consultation from IED adaptive PE teacher so that an individualized program of postural exercises may be developed.*

ITEM	WHO	WHEN	COMMENT	EXAMPLE (If Appropriate)
2. (continued)			Regular PE plus part-time Special Class - child is placed in a special class only for activities in which regular class participation is not appropriate i.e., a child with a respiratory infection for whom swimming is contra-indicated. Full Time Special Class - for children requiring a total program of adaptive and/or corrective activities. Full Time Special School - for students requiring the resources and specialized instruction which may be available only at a special school. The physical education program may or may not be adaptive/corrective in purpose, depending upon the type and severity of handicapping conditions present. If specific physical education objectives are indicated, they should be included on the Individual Implementation Plan.	

ITEM	WHO	WHEN	COMMENT	EXAMPLE (If Appropriate)
3. Related Services Speech Therapy Physical Therapy Occupational Therapy Work Experience Medical Service Social Services Transportation Other _____ _____	Chairperson	During meeting. Should not be completed until objectives have been established.	94-142 (121a4) draft regulations define related services as transportation and such developmental, corrective and other supportive services as are required to assist a handicapped child to benefit from special education and includes speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, and medical services for diagnostic or evaluation purposes. The term also includes school social work services, parent counseling and training, providing parents with information about child development and assisting parents in understanding the special needs of their child.	Related Services (Describe) *Speech Therapy (describe)* 1) *Appraisal of specific speech disorders.* 2) *Provision of a program of speech habilitation required as a result of the appraisal.*
4. Describe and give time estimates of the extent to which children will participate in regular program.	Chairperson	During the initial meeting but as a result of the objectives.	Indicate what involvement the child will have in the regular program.	To what extent will the child participate in the regular program? *For reading, spelling, and math, Susan will work with the resource room teacher. For the other content areas and all other school activities she will remain with her peer group. She will be in the regular program for three hours per day.*

ITEM	WHO	WHEN	COMMENT	EXAMPLE (If appropriate)
Parent Consent I/we have participated in the development of the IEP and have had the program explained to me and approve of the placement.	Parents	At the completion of the meeting.	Parents should sign after the objectives have been developed.	

FORM 14b

INDIVIDUAL IMPLEMENTATION PLAN

EXAMPLE AND DIRECTIONS

FORM 14b

INDIVIDUAL EDUCATION PROGRAM

INDIVIDUAL IMPLEMENTATION PLAN

Complete as many forms as required

Student's Name_____

Consideration should be given to academic, social adaptation, pre-vocational/vocational, psychomotor, and self-help skills

AREA_____ Current Level of Educational Functioning (include strengths and weaknesses)					
Long Term Objectives (Annual Goals)	Short Term Objectives (including criteria)	Strategies (to be completed by teacher)	Materials	Start	Complete
Least Restrictive Instructional Environment: 215	Procedures for Evaluating Progress Toward Achieving Short Term Objectives: 216				

Page of

FORM 14b

EXAMPLE

INDIVIDUAL EDUCATION PROGRAM

INDIVIDUAL IMPLEMENTATION PLAN

Complete as many forms as required

Student's Name *Joan Doe*

Consideration should be given to academic, social adaptation, pre-vocational/vocational, psychomotor, and self-help skills

AREA *Academic; Personal Finance* Current Level of Educational Functioning (include strengths and weaknesses)

Strengths: (a) use of auditory and visual channels for learning, (b) basic computational skills with coins and currency; (c) basic math skills in addition and subtraction

Weaknesses: (a) vocabulary related to personal finance; (b) application of personal finance skills to practical situations

Long Term Objectives (Annual Goals)	Short Term Objectives (including criteria)	Strategies (to be completed by teacher)	Materials	Start	Complete
1. *To increase knowledge of vocabulary related to personal finance concepts*	1. *Will orally state the definition of 10 words per month related to personal finance with 100% accuracy*			*9/15/77*	*10/15/77*
2. *To improve personal finance skills in practical situations*	2.1 *Will orally read a paycheck and describe variuos deductions with 100% accuracy*			*9/15/77*	*10/15/77*
	2.2 *Will prepare a written personal budget from a simulated paycheck.*			*10/15/77*	*11/15/77*
	2.3 *Will orally state 5 benefits each establishing a savings and a checking account with 100% accuracy.*			*11/15/77*	*12/23/77*
	2.4 *Will correctly balance a checkbook with a monthly bank statement.*			*1/2/78*	*3/5/78*

Least Restrictive Instructional Environment:

Learning Resource Center, one hour instruction per day

Procedures for Evaluating Progress Toward Achieving Short Term Objectives:

1.0 Weekly progress charts indicating correct/error.

2.1-2.4 Criterion checklists and performance graphs indicating rate (where applicable). Progress to be evaluated weekly by teacher and shared with parents at 2 regularly scheduled conferences during first six months.

DIRECTIONS FOR

INDIVIDUAL EDUCATION PROGRAM

INDIVIDUAL IMPLEMENTATION PLAN

ITEM	WHO	WHEN	COMMENT	EXAMPLE (If appropriate)
Area	Chairperson	As a result of the meeting	Consideration should be given to academic, social adaptation, pre-vocational/ vocational, psychomotor and self help skills.	
Current level of educational functioning	Chairperson	As a result of the meeting	The information derived from the "Results of Individual Assessments" is extremely important (See Form 11, SP-23). All members should have input into revisions and should be satisfied with the statements.	*1. Child does not drink from a cup; extreme difficulty with sucking or grasping.* *OR* *2. Difficulties with b/d discriminations, sound/symbol relationship; CVC words; CVC nonsense words; word endings (suffixes) and controlled vowel words.*
Long Term Objectives	Chairperson	As a result of the meeting	Long term objective(s) are to be established in the areas of concern. A long term objective is defined as a statement describing expected behavioral achievement during the current academic year. Long term objectives will be used to derive short term objectives.	*Child will be able to drink from a cup.* *OR* *Reach proficiency in b/d discriminations, saying sounds of letters, blending CVC words.*

ITEM	WHO	WHEN	COMMENT	EXAMPLE(If appropriate)
Short Term Objectives	Chairperson	As a result of the meeting	While committee is establishing long term objectives they should also be developing short term objectives, or specific measurable instructional strategies which are the intermediate steps to reaching the long term objectives.	Short term objectives: *1. sucks liquid from a straw* *2. takes liquid from a cup held by an adult* *3. swallows liquid from cup* *4. holds cup in two hands* *OR* *Correctly reads* *(1) consonants* *(2) short and long vowels* *(3) words with b and d* *(4) CVC words (real & nonsense)* *(5) r-controlled vowel words* *Criteria: 50 correct with 2 errors.*
Strategies NOTE: Establishing strategies and materials is a recommended best practice and not required by P.L. 94-142	Teacher	20 days after IEP meeting	Techniques or strategies that will be used in completing the objectives.	Strategies: *One to one tutoring with an aid.*
Materials See Note above	Teacher Chairperson	20 days after IEP meeting	The instructional materials, media or resources that will be needed in completing activity.	Materials/resources *DISTAR Language*
Start Date_____ End Date_____	Teacher Chairperson	As appropriate As a result of the meeting	These are the projected start and complete dates for each objective.	Note: Teacher should document actual start and completion dates.

ITEM	WHO	WHEN	COMMENT	EXAMPLE (If appropriate)
Least Restrictive Instructional Environment	Chairperson/ Teacher	As a result of the meeting or during 20 day initial placement	Describe the least restrictive environment in which instruction related to the indicated short term objective will occur.	*Self-contained classroom and gradually shifting to lunchroom* *OR* *One to one instruction in Resource Room with gradual shift to (a) individual study and (b) integration into regular classroom with reading specialist support.*
Procedures to Evaluate Progress toward Achieving Short Term Objective	Chairperson/ Teacher	As a result of the meeting or during 20 day initial placement	Describe procedures to be used at annual review to determine child's progress.	*Teacher shall present continuous monitoring results (criterion-referenced data; rate) at annual review. Comparison will be made between actual child progress and criteria established in initial objectives.*

FORM 14c

STUDENT PROGRESS RECORD IEP FORMS

FOR TMR STUDENTS AND EXAMPLES

FORM 14c

STUDENT PROGRESS RECORD IEP
for
Trainable Mentally Retarded (TMR) Students

The Student Progress Record (SPR) is Oregon's assessment tool and curriculum guide for TMR students. It contains 504 items in 14 curriculum areas. Within each curriculum areas, the items are listed in order of difficulty, based on field test results with 150 TMR students.

The following IEP forms are included in the SPR and may be used with TMR students:

- A Placement Action form
- An Individual Implementation Plan
- SPR Checklist

The Student Progress Record Checklist is an item by item description of skills the student has acquired. It includes:

1) 14 curriculum areas - Social Skills, Receptive Langauage, Expressive Language, Reading, Writing/Spelling, Number Concepts, Money, Time, Eating, Dressing, Personal Hygiene, Motor Skills, Physical Fitness and Vocational Skills.
2) List of items - Each item in the Student Progress Record includes directions for the teacher and criteria for the student.
3) Skills mastered - This is the assessment column of the SPR Skills that have been completed should be checked off in this column.
4) Short-term objectives - By looking at the next several items in the list, the IEP committee can decide which skills the student should now be working on.
5) Long-term objectives - One long-term objective should be marked per year in each curriculum area in which the student will be working. The long-term objective marks the place in each subject area that the teacher plans to reach by the end of the school year.
6) Person responsible - Although this will usually be the teacher, in some cases a speech therapist, physical education teacher or other person may have major responsibility for programming some skills.

MMB:cl
9-13-77

☐ Initial Placement

☐ Annual Review

FORM 14c

STUDENT PROGRESS RECORD

Individual Education Program
Placement Action Form

Name _____ Birthdate _____

Address _____ Telephone _____

School _____ Date of Meeting _____

District of residency _____

In attendance at IEP meeting _____, _____,

_____, _____, _____.

- Student Progress Record IEP checklist for current level of educational functioning, long-term objectives and short-term objectives.

1. Is special physical education programming required? ☐ Yes ☐ No.
   Describe program (if there are specific objectives include on attached pages).
   _____

2. Related Services:

   ☐ Speech Therapy (describe) _____

   ☐ Physical Therapy (describe) _____

   ☐ Occupational Therapy (describe) _____

   ☐ Work Experience (describe) _____

   ☐ Medical Services (describe) _____

   ☐ Social Services (describe) _____

   ☐ Transportation _____

   ☐ Other _____
   _____

3. Recommended least restrictive placement. Entry date _____ School _____
   Program _____ Teachers _____, _____, _____

   Describe with justification: Review date: _____

   _____
   _____
   _____
   _____
   _____

(over)

4. Describe and give time estimates of the extent to which student will participate in the regular program.

_____

_____

_____

_____

_____

I/we have participated in the development of the IEP and have had the program explained to me and approve of the plan.

_____ _____

Parent Signature Date

_____

Parent Signature

[X] Initial Placement

[ ] Annual Review

FORM 14c EXAMPLE

STUDENT PROGRESS RECORD

Individual Education Program
Placement Action Form

Name *Tim Jones* Birthdate *9/28/70*

Address *1300 Longview Drive* Telephone *581-7790*

School *Washington Elementary* Date of Meeting *9/7/77*

District of residency *Washington School District*

In attendance at IEP meeting *Mr./Mrs. Jones*, *Ms. Greene, teacher*, *Ms. Broder, principal*, *Mr. Davis, Speech Therapist*, _____.

● Student Progress Record IEP checklist for current level of educational functioning, long-term objectives and short-term objectives.

1. Is special physical education programming required? [X] Yes [ ] No.
Describe program (if there are specific objectives include on attached pages).
Three days per week for 40 minutes per day with Sandy Burns.

2. Related Services:

[X] Speech Therapy (describe) *3 days per week for 35 minutes - Mr. Davis*

[ ] Physical Therapy (describe) _____

[ ] Occupational Therapy (describe) _____

[ ] Work Experience (describe) _____

[X] Medical Services (describe) *Hearing test recommended*

[ ] Social Services (describe) _____

[ ] Transportation _____

[ ] Other _____

3. Recommended least restrictive placement. Entry date *9/11* School *Washington*
Program *TMR* Teachers *Ms. Greene*, _____, _____

Describe with justification: Review date: _____

(over)

4. Describe and give time estimates of the extent to which student will participate in the regular program.

Tim will participate in the following activities with the regular program -- recess, lunch, music, free time play -- approximately 8 hours per week.

I/we have participated in the development of the IEP and have had the program explained to me and approve of the plan.

Mrs. Mary Jones — Parent Signature — *9/7/77* — Date

Andrew Jones — Parent Signature

FORM 14c
STUDENT PROGRESS RECORD

Individual Education Plan

Name: _____

Demographic Information: (Describe):

- ☐ Vision Impaired _____
- ☐ Hearing Impaired _____
- ☐ Physical Disability _____
- ☐ Neuorological Impairment _____
- ☐ Other _____

School _____ Year(s) _____

_____ _____

_____ _____

_____ _____

Date Initiated _____ Person(s) Completing Form

_____

_____

_____

Date Reviewed _____ _____

_____

_____ _____

_____

_____ _____

_____

_____ _____

_____

_____ _____

_____

Comments: _____

_____

_____

_____

_____

_____

_____

FORM 14c

INDIVIDUAL EDUCATION PROGRAM

Individual Implementation Plan

STUDENT PROGRESS RECORD		ASSESSMENT		OBJECTIVES			PERSON RESPONSIBLE	
#	Item	SKILL MASTERED	DATE	SHORT-TERM	LONG-TERM	DATE SET		INITIALS
3.7 4.1	Categorizes	☐		○	◎			
3.8 4.2	Positions objects	☐		○	◎			
3.9 4.3	Recognizes letter names	☐		○	◎			
3.10 4.4	Recognizes possessive pronouns (his, her, their)	☐		○	◎			
4.5	Recognizes letter names (10)	☐		○	◎			
4.6	Recognizes first, last and middle	☐		○	◎			
4.7	Recognizes plurals	☐		○	◎			
4.8	Follows directions with conditional clauses	☐		○	◎			
4.9	Recognizes verb tenses	☐		○	◎			
4.10	Recognizes letter names (26)	☐		○	◎			
	EXPRESSIVE LANGUAGE							
#	Item							
1.1	Vocalizes	☐		○	◎			
1.2	Babbles	☐		○	◎			
1.3	Imitates movements	☐		○	◎			
1.4	Imitates sounds (3)	☐		○	◎			
1.5	Makes needs known	☐		○	◎			
1.6	Imitates sounds (5)	☐		○	◎			
1.7	Imitates words (3)	☐		○	◎			
1.8	Names objects (3)	☐		○	◎			
1.9	Uses functional vocabulary (5)	☐		○	◎			
1.10	Imitates sounds (10)	☐		○	◎			
1.11	Names pictures (3)	☐		○	◎			
1.12	Imitates sound-chains (5)	☐		○	◎			

FORM 14c

STUDENT PROGRESS RECORD

Individual Education Plan

EXAMPLE

Name: *Tim Jones*

Demographic Information: (Describe):

- ☐ Vision Impaired _____
- ☒ Hearing Impaired *Mild loss, does not wear a hearing aid.*
- ☐ Physical Disability _____
- ☐ Neuorological Impairment _____
- ☐ Other _____

School *Washington Elementary* Year(s) *1977-78*

Date Initiated *9/15/77*

Person(s) Completing Form

Mrs. Jones, Sandy Burns, Ms. Greene, Mr. Davis

Date Reviewed _____

Comments: _____

FORM 14c

INDIVIDUAL EDUCATION PROGRAM

Individual Implementation Plan

STUDENT PROGRESS RECORD

#	Item	ASSESSMENT: SKILL MASTERED	ASSESSMENT: DATE	OBJECTIVES: SHORT-TERM	OBJECTIVES: LONG-TERM	OBJECTIVES: DATE SET	PERSON RESPONSIBLE: INITIALS
3.7 4.1	Categorizes	☐			○	◎	
3.8 4.2	Positions objects	☐			○	◎	
3.9 4.3	Recognizes letter names	☐			○	◎	
3.10 4.4	Recognizes possessive pronouns (his, her, their)	☐			○	◎	
4.5	Recognizes letter names (10)	☐			○	◎	
4.6	Recognizes first, last and middle	☐			○	◎	
4.7	Recognizes plurals	☐			○	◎	
4.8	Follows directions with conditional clauses	☐			○	◎	
4.9	Recognizes verb tenses	☐			○	◎	
4.10	Recognizes letter names (26)	☐			○	◎	

EXPRESSIVE LANGUAGE

#	Item						
1.1	Vocalizes	☒			○	◎	
1.2	Babbles	☒			○	◎	
1.3	Imitates movements	☒			○	◎	
1.4	Imitates sounds (3)	☒			○	◎	
1.5	Makes needs known	☒			○	◎	
1.6	Imitates sounds (5)	☒			○	◎	
1.7	Imitates words (3)	☒			○	◎	
1.8	Names objects (3)	☐		9/15/77	⊗	◎	Greene
1.9	Uses functional vocabulary (5)	☐		9/15/77	⊗	◎	Greene
1.10	Imitates sounds (10)	☐		9/15/77	⊗	◎	Greene
1.11	Names pictures (3)	☐		9/15/77	⊗	◎	Greene
1.12	Imitates sound-chains (5)	☐		9/15/77	⊗	◎	Greene

SP-28

SAMPLE COMMUNICATION TO PARENT REGARDING IEP MEETING RESULTS (FORM 15)

This letter is to be sent only if the parent was not at the IEP meeting. If the parent was in attendance, have him/her sign the Placement Action Form at that time.

FORM 15

SAMPLE COMMUNICATION REGARDING IEP MEETING RESULTS

DATE: _____

Dear: _____

As you know, a meeting was held to review the educational program needs of your child on _____. Enclosed is your copy of the Individual Education Program in which is recommended a placement at _____. It is important, however, that you understand: (a) Your child's placement is considered to be the most appropriate and beneficial at this time. (b) You have a right to refuse consent to your child's placement. (c) You will be invited to attend a meeting to review your child's progress and placement on an annual basis.

Please review the enclosed placement and program forms. If you have any questions or would like to discuss this further, please call me at _____.

Sincerely,

_____
Name

_____
Title

_____
Address

Please sign, detach, and return to me as soon as possible.

____ I have received copies of my child's placement and educational program and give my consent for placement. I understand that no change in my child's placement will occur without prior notice and that I have the right to refuse consent at any time.

_____ _____
Parent Signature Date

SP-29

CONFIRMATION OF IEP STRATEGIES

CONFIRMATION OF TEACHER DEVELOPED IEP STRATEGIES

Implementation of an IEP requires that specific strategies, materials, and monitoring procedures be documented and discussed with the student's parent(s). It is recommended, therefore, that a student be placed and specific implementation plans be developed by the receiving teacher(s) within twenty working days.

After a student has been placed for twenty days, the IEP chairperson or designate should confirm that specific strategies, materials, and monitoring procedures have been established by the teacher(s) and communicated to the parent(s). Confirmation could be obtained in a variety of ways, including:

1. Classroom visitation with visual inspection of implementation plans.

2. Copy of implementation plans mailed to designated person for review and filing.

3. Telephone confirmation by principal or other authorized person who has seen the IEP implementation plan.

IEP AND PLACEMENT REVIEW

INTRODUCTION

Within the reevaluation component are procedures for annual IEP review and a three year diagnostic review of the student. An annual review of the student's program is required but it can occur more frequently. The annual review should yield an IEP to be implemented for the child during the next school year.

According to the Federal Register (August 23, 1977) "any changes in a child's special education program, after initial placement, are not subject to parental consent, but are subject to prior notice and individual education program requirements." In addition, 'there is no need to require parent consent for reevaluation if a handicapped child is initially placed according to IEP requirements and his/her IEP is reviewed annually.'

In addition to the procedural steps, the following support packages should be reviewed:

SP-30 Annual Evaluation of the Individual Education Program; Parent Notification of IEP Review (Form 16)
SP-31 Monitoring Progress of Student Released from Special Education

SP-30

ANNUAL EVALUATION OF THE INDIVIDUAL EDUCATION PROGRAM

PARENT NOTIFICATION OF IEP REVIEW (FORM 16)

241

ANNUAL EVALUATION OF THE INDIVIDUAL EDUCATION PROGRAM

Purpose

Procedures

Purpose: Public law 94-142 requires that each child's IEP be evaluated at least annually. The purpose of the evaluation is to acccomplish the following (NASDSE, 1976):

1) to establish if the child is progressing as specified in the long term objectives of the IEP

2) to establish if the child is approaching a point where he/she will exit to another program

3) if the plan does not seem appropriate, to establish and plan what adjustments might be necessary:

   a) long term objectives
   b) time lines
   c) short term objectives
   d) activities
   e) materials/resources
   f) methods
   g) implementers

Procedures:

1) Based on the Individual Implementation Plan the teacher will develop a procedure for monitoring the progress of the child based on the activities, criteria and expected completion dates.

2) At least annually and on or about the date indicated on 1.0 of the placement action form (the most recent one) a review conference will be conducted. In attendance at that meeting will be at least a district representative of the administrator, special education, the teacher(s), and the parent(s).

   2.1 Notify and invite parent to attend the meeting. A form letter can be found at the end of this packet. A telephone contact is preferred.

3) Using the previously prepared Individual Education Plan review

   3.1 Whether the activities have been completed on the established criteria.

   3.2 If the long term objectives need restating.

   3.3 If the short term objectives need revision because the objectives have been met or new long term objectives have been developed.

3.4 If any other services such as testing and physical therapy are required.

4) Complete a new Placement Action form during the meeting following instructions in SP-25 describing any program changes (including returning to regular program).

5) Within twenty days or prior to the start of the next school year develop new individual implementation plans on each long term objective. These are to be shared with the parent.

FORM 16

REVIEW OF EDUCATIONAL PLACEMENT

Date_____

Dear_____:

When _____'s program was reviewed we informed you that a re-evaluation of his program would occur on or about_____ _____ .

The review will take place on _____ at _____
date time

We would like you to participate in this review. If the scheduled time is not convenient, please contact me at _____so that we might rearrange it.
phone number

Should you have any questions, please feel free to contact me.

Sincerely,

_____
Name

_____
Title

SP-31

MONITORING PROGRESS OF STUDENT RELEASED FROM SPECIAL EDUCATION

MONITORING PROGRESS OF STUDENT RELEASED FROM SPECIAL EDUCATION

To increase the probability of success for a student who has been returned to the regular classroom, it is recommended that (a) consultation be provided to the receiving regular education teacher, and (b) student progress be reviewed during the first six months. If a student is not progressing satisfactorily, it may be necessary to hold an IEP meeting to reconsider the student's placement.

Consultation to a receiving regular education teacher could include:

1. In-service training concerning "mainstreaming" of children and youth experiencing learning problems.

2. Observation of techniques being used by the special education teacher with the student to be transferred.

3. Visits to the regular education classroom by itinerant support personnel, counselor, or other qualified persons.

Review of student progress during the first six months could include:

1. Periodic progress reports submitted by regular education teacher to IEP chairperson or designate.

2. Periodic progress review meetings which could include parent(s), special and regular education teachers, principal and IEP chairperson or designate.

3. Consultation with classroom teacher on a periodic basis by appropriate personnel concerning student progress.

GLOSSARY OF TERMS

Annual Evaluation - 94-142 requires that each handicapped child's IEP be reviewed or evaluated at least once each year. The annual evaluation should result in a new IEP to be implemented during the next period.

Appropriate Programs - Programs and services established for the child on his IEP.

Assessment - Procedures used to collect diagnostic and programming information. See multi-disciplinary assessment.

Confidentiality Procedures - Procedures used to insure that information obtained on handicapped children is collected, stored and released in such a manner to insure the protection of the child.

Confidential Information - Information collected on handicapped children which is personally identifiable.

Consent - Means that: (a) the parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;
(b) the parent understands and agrees in writing to the carrying out of the activity for which consent is sought, and the consent describes that activity and lists the records (if any) which will be released and to whom; and
(c) the parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.

Continuum of Alternative Placements (Continuum of Services) - Services or available placements which range along a broad continuum and include instruction in regular classrooms, in resource situations, special classes, special schools and at home.

Diagnostic Testing - Testing to establish the specific attributes of the child including academic, behavioral, intellectual, social, psychomotor and vocational.

Due Process - Procedures which insure that all required steps have been followed before a child receives special education and related services.

Eligibility - Meeting one of the eligibility categories defined in OAR-581-050.

Eligibility Category - The category in which a child fits to receive special education and related services. The category does not define the type or extent of services needed. Senate Bill 38 defines the categories as mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically handicapped or other health impaired children; individuals who are pregnant; or children with specific learning disabilities.

Handicapped Child - A child who meets the eligibility criteria established in Oregon law ard who needs special education or related services.

Hearing - A hearing is conducted when the parents contest the decisions made about the child as a result of testing or the IEP.

IEP - Individual Education Program

IEP Meeting - The meeting where the IEP is written which must include the parents and individuals who have knowledge about the child, the testing results, and the placement options available.

Independent Evaluation - An evaluation or assessment completed by a person or agency which is not employed by the district or has a vested interest in the results of the evaluation.

Individual Education Program (IEP) - That program which must be completed for each handicapped child before he is placed and on which his placement is determined. The IEP includes the child's current level of educational functioning, long term objectives, short term objectives, the least restrictive placement, special materials and criteria for evaluation.

Least Restrictive Environment - That environment which best meets the program needs of the child and to the maximum extent possible allows for education with children who are not handicapped. Several factors can be considered in determining the least restrictive environment for the child (e.g., behavioral, social, mobility, and sensory). Federal and State laws require that to the maximum extent possible a child be "educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aides and services cannot be achieved satisfactorily."

Long Term Objective - A statement describing expected behavioral achievement during the current academic year according to the unique needs of the individual child based on appropriate instrumentation and observation.

Multi-disciplinary Assessment - Those activities, tests, evaluations or processes completed by qualified personnel from a variety of disciplines that results in a comprehensive determination of eligibility and contributes to the development of an appropriate educational program. No single test or procedure shall be the sole criterion for determining eligibility or developing a student's IEP.

OAR(s) - Oregon Administrative Rules

Oregon Administrative Rules - Rules based on Oregon statute which apply to all areas of state government authority. Division 15 of Chapter 581 applies to special education.

Parent - The term "parent" includes a natural mother or father, an adoptive mother or father, a legally appointed guardian or a surrogate parent.

Parent Notification - Notification of the parent including written statements in English or the primary language of the home, and oral communication in the primary language of the parent's home.

Personally Identifiable Information - Includes: (a) the name of the child, the child's parent, or other family member; (b) the address of the child; (c) a personal identifier, such as social security number or student number; or (d) a list of personal characteristics or other relevant information that would make it possible to identify the child with reasonable certainty.

Placement - That least restrictive environment where the child receives the services indicated on the IEP.

Placement Options - The various types of environments in which services can be delivered. See Continuum or Alternative Placements.

Prior Notice - Written notice which must be given to the parents of a handicapped child a reasonable time before the public agency: (a) proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child, or (b) refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child.

Content of Notice: The notice must include:
(a) A full explanation of all of the procedural safeguards available to the parents.
(b) A description of the action proposed or refused by the agency, an explanation of why the agency proposes or refuses to take the action, and a description of any options the agency considered and the reasons why those options were rejected;
(c) A description of each evaluation procedure, test, record, or report the agency uses as a basis for the proposal or refusal; and
(d) A description of any other factors which are relevant to the agency's proposal or refusal.

The notice must be:
(a) Written in language understandable to the general public, and
(b) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.
(c) If the native language or other mode of communication of the parent is not a written language, the State or local educational agency shall take steps to insure: (1) that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication; (2) that the parent understands the content of the notice, and (3) that there is written evidence that the requirements in paragraph (c) (1) and (2) of this section have been met.

Procedural Safeguards - Protections guaranteed the child and his family in evaluation, placement, due process, and confidentiality.

Progress Monitoring - Procedures designed by the teacher to maintain precise data on the progress of the child toward meeting his/her objectives.

Record Review - The review of school records to determine and/or verify the existence of school problems.

Re-evaluation - 94-142 requires that each handicapped child's IEP be re-evaluated at least once every year and that a diagnostic re-evaluation be completed at least once every third year.

Referral - The process of making the school district/another agency aware of problems and requesting specific services.

Related Services - "Includes transportation; and such developmental, corrective and other supportive services (including speech pathology and audiology, psychological services, physical and occupational therapy, special equipment, reader services, volunteer services to enhance special education programs, recreation, and medical and counseling services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a handicapped child to benefit from special education, and includes early identification and assessment of handicapping conditions in children." 1977 Oregon Senate Bill 38.

Screening - As defined in this set of procedures is intended to identify those children who might possibly require special education and to assist the school in deciding whether a child should be referred for diagnostic testing or possible special programming.

Short Term Objective - Specific measurable instructional strategies which are the intermediate steps to reaching the long term objectives.